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Attorney for Plaintiff
Patricia Stewart, D.O.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, LOS ANGELES

PATRICIA STEWART, D.O.,

Plaintiff,

v.

AMERICAN ASSOCIATION OF
PHYSICIAN SPECIALISTS, INC.;
WILLIAM CARBONE; ANTHONY
DURANTE; DOUGLAS
MARCINIACK; ROBERT CERRATO;
ANTHONY RUSSO; STEPHEN
MONTES; JOSEPH GALLAGHER;
BRIAN FEAVER; KEN WALLACE;
WILLIAM ANDERSON; THOMAS
BALSHI; SUSAN SLOMINSKI;
SVETLANA RUBAKOVIC; LORI
HONEYCUTT; ROBERT ILOWITE;
BART MAGGIO and DOES 1-100

Defendants.

Case No. EDCV13-1670-ODW(DTB_x)

Hon. Otis Wright

**FIRST AMENDED COMPLAINT
FOR:**

- 1. BREACH OF CONTRACT**
- 2. INJUNCTIVE RELIEF AND DAMAGES PURSUANT TO TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, 42 U.S.C. § 2000 et seq.**
- 3. VIOLATIONS OF UNRUH CIVIL RIGHTS ACT, CALIFORNIA CIVIL CODE §§ 51, 52**
- 4. VIOLATIONS OF CALIFORNIA GOVERNMENT CODE 12940(h)**
- 5. INTENTIONAL MISREPRESENTATION AND FALSE PROMISE**
- 6. DEFAMATION**
- 7. INTENTIONAL INTERFERENCE WITH PROSPECTIVE ECONOMIC ADVANTAGE**
- 8. UNFAIR BUSINESS PRACTICES IN VIOLATION OF CAL. BUS. & PROF. CODE § 17200 et. seq.**

1 Plaintiff Patricia Stewart, D.O. (“Patricia Stewart” or “Plaintiff”) brings this
 2 action seeking injunctive relief and monetary damages against defendants American
 3 Association of Physician Specialists, Inc. (“AAPS”), et. al., and DOES 1-100, for
 4 violations of Plaintiff’s rights under Title VII of the Civil Rights Act of 1964,
 5 California Civil Code §§ 51, 52, and California Government Code § 12940(h); and
 6 for Intentional Misrepresentation (Fraud); Breach of Contract; Defamation;
 7 Interference With Prospective Economic Advantage; for violations of California's
 8 Business & Professions Code § 17200 (Unfair Competition) and § 17500 (False
 9 Advertising), and for Defamation.

10 11 **JURISDICTION AND VENUE**

12 26. This action arises under 42 U.S.C. §2000e-2, et seq. Jurisdiction of this
 13 matter is in this Court pursuant to 42 U.S.C. § 2000e-5(f)(3) and 28 U.S.C. § 1331.
 14 Jurisdiction of the supplemental claims in this matter is pursuant to 28 U.S.C. §
 15 1367(a) because the State law claims are so related to the Federal claim that they
 16 form part of the same case or controversy.

17 27. This Court is the proper venue for this action pursuant to 28 U.S.C. §
 18 1391. Defendant Svetlana Rubakovic resides in Riverside County, California; a
 19 substantial part of the events or omissions giving rise to the claim occurred in Los
 20 Angeles County and Santa Barbara County, California; the damage to the Plaintiff’s
 21 medical practice and employability is in Santa Barbara County, California; and
 22 AAPS has continuously and systematically conducted business in this venue for
 23 many years and they even held their annual meeting in Marina Del Rey, California in
 24 2012, at which each of the Defendants came and intentionally harmed the Plaintiff.

25 **THE PARTIES**

26 28. Plaintiff Patricia Stewart, D.O. (“Plaintiff” or “Patricia Stewart”) is, and
 27 at all relevant times mentioned herein was, an individual residing in the State of
 28 California, County of Santa Barbara. Patricia Stewart is an active physician licensed

1 by the Osteopathic Medical Board of California, formerly specializing in
2 Dermatology.

3 29. Defendant American Association of Physician Specialists (“AAPS”) is a
4 Florida nonprofit corporation, incorporated under the State of Florida and with its
5 principal place of business in the State of Florida. AAPS has approximately 2,500
6 physician members across the United States, including the state of California, and
7 conducts organizational meetings in the state of California.

8 30. Defendant William Carbone (“Carbone”) is the CEO of AAPS, and at all
9 relevant times mentioned herein was, an individual residing either in the State of
10 Florida, County of Pinellas or in the State of Georgia, County of Fulton.

11 31. Defendant Robert Cerrato, D.O., J.D. (“Cerrato”) is, and at all relevant
12 times mentioned herein was, an individual residing in the State of New Jersey,
13 County of Burlington. Cerrato is the Past-President of AAPS, and sits on the Board
14 of Directors for AAPS, as well as its Executive Committee and its legal task force.

15 32. Defendant Stephen Montes (“Montes”) is, and at all relevant times
16 mentioned herein was an individual residing in the State of Michigan, County of
17 Muskegon. Montes is a member of AAPS’ Board of Directors, the chair of the
18 continuing medical education committee, a member of the disciplinary committee
19 and the legal task force, and the treasurer for AAPS’ Political Action Committee
20 (“PAC”).

21 33. Defendant Susan Slominski (“Slominski”) is, and at all relevant times
22 mentioned herein was a Dermatologist residing in the State of Nevada, County of
23 Yuma. Slominski is a member of AAPS, and at relevant times mentioned herein was
24 the Vice President of the AASD.

25 34. Defendant Svetlana Rubakovic (“Rubakovic”) is, and at all relevant
26 times mentioned herein was, a Dermatologist residing in the State of California,
27 County of Riverside. Rubakovic is a member of AAPS, is the current President of
28 AASD, and at relevant times mentioned herein was the Secretary of AASD.

1 35. Defendant Lori Honeycutt (“Honeycutt”) is, and at all relevant times
2 mentioned herein was, a Dermatologist residing in Travis County, Texas. Honeycutt
3 is a member of AAPS, and at relevant times mentioned herein was a governor of
4 AASD.

5 36. Defendant Bart Maggio (“Maggio”) is, and at relevant times mentioned
6 herein was a resident of Bergen County, New Jersey. Maggio is a member of AAPS,
7 and at relevant times herein was a member of AAPS’ Legal Task Force and its
8 Disciplinary Committee.

9 37. The true names and capacities of the defendants sued herein as DOES
10 are unknown to Plaintiff at this time, and Plaintiff therefore sues such defendants by
11 such fictitious names. Plaintiff is informed and believes that the DOES are those
12 individuals, corporations and/or businesses or other entities that are also in some
13 fashion legally responsible for the actions, events and circumstances complained of
14 herein, and may be financially responsible to Plaintiff, as alleged herein. The
15 Complaint will be amended to allege the DOES’ true names and capacities when they
16 have been ascertained.

17 **GENERAL ALLEGATIONS**

18 38. AAPS, formerly known as AAOS, is a private, non-profit
19 corporation that was formed in 1952 as a nation-wide organization in order to certify
20 to the public that its Diplomates are board-certified specialists who possess the
21 qualifications-- including training, experience, skill, and good character—required to
22 be recognized as qualified medical and surgical specialists in their respective fields of
23 specialization. AAPS is not a social club. It was formed and existed solely and
24 entirely because it provided a means for its member physicians to acquire board
25 certification that the public would recognize and accept, so that its Diplomates can
26 hold themselves out to be specialists in their respective fields of specialization.

27 39. This certification is necessary because board certification is required in
28 most states, including California, for a physician to hold oneself out to be a specialist.

1 Most employers, insurance companies, and hospitals, require board certification as a
2 minimal prerequisite before they will consider employing, credentialing,
3 compensating, or granting privileges to a physician as a specialist. The reason for
4 this is that board certification is the only reliable means that said organizations can
5 assure that the specialists who serve their patients have been trained in their field of
6 specialization, and have demonstrated that they possess, at a minimum, the degree of
7 skill, knowledge, and ethics that society requires from a specialist physician.

8 15. AAPS certifies its physician specialists through its certifying body, the
9 American Board of Physician Specialties (“ABPS”), which certifies that those
10 member physicians, who they determine have been able to document their completion
11 of the required training, to have passed a certification examination in their area of
12 specialization, and to have demonstrated to meet their ethical standards are qualified
13 to be recognized as board certified specialists in a variety of medical and surgical
14 specialties. Although ABPS has its own Bylaws and is made of numerous distinct
15 Boards of Certification—one for each specialty—ABPS does not exist as a separate
16 legal entity from AAPS. According to its Bylaws, it is a division of AAPS.

17 16. ABPS is one of only three national multi-specialty medical and surgical
18 board certifying bodies in the United States, and controls the certification of
19 approximately 2500 physicians across the United States. Historically ABPS
20 certification has been recognized by many physicians, hospitals, physician employers,
21 State Medical Boards, professional societies and insurance companies across the
22 United States. ABPS certification has allowed certified physicians to obtain medical
23 practice privileges at hospitals, care facilities, and multi-specialty clinics. ABPS
24 board certification has been recognized to satisfy the requirements of board
25 certification that are necessary for specialists to contract with many HMOs, large
26 medical groups, and insurance providers as a specialist physician.

27 17. Because board certification is generally required to establish a generally
28 acceptable level of competence in any area of medical or surgical specialization,

1 physician recruiters and other employers, who are seeking to recruit specialist
2 physicians, regularly coordinate with certifying bodies, such as ABPS, in order to
3 locate potential candidates for employment, contracting, or for recruitment by
4 communities which lack the specialists required for their medical and surgical needs.

5 18. The ABPS not only controls physician certification, it also facilitates the
6 connection of its certified specialists with communities and potential employers
7 through the operation of its Career Center, which is dedicated to placing its certified
8 physicians with recruiters and other employers throughout the nation, with whom
9 AAPS partners. The Career Center of ABPS enables physician recruiters to post job
10 openings. It also sends out a regular bulletin to AAPS members that contains job
11 listings, which are potentially available to ABPS certified specialists. ABPS controls
12 its physician members' abilities to form contractual and employment relationships
13 with third parties within their medical or surgical specialty through granting and
14 denying board certification, and it controls its members' access to employment
15 opportunities through limiting the distribution of its career opportunities bulletin.

16 19. The AAPS administrative leadership governs over the eligibility,
17 training, testing, certification, regulation and upkeep of a physician member's AAPS
18 specialty certification credentials and the provision of AAPS related professional
19 references. As such, the AAPS has immense control over the AAPS physician
20 member's employability, employment references and earnings potential.

21 20. Within AAPS, there are several subspecialty academies for physicians
22 specializing in different areas of medicine, including Anesthesiology, Disaster
23 Medicine, Emergency Physicians, Family Practice, Internal Medicine, Orthopedic
24 Surgery, Radiology, Surgery and Dermatology. The academy for Dermatologists is
25 the American Academy of Specialists in Dermatology ("AASD"). Similarly, within
26 the ABPS, there are boards for certifying physicians specializing in different areas of
27 medicine. The board which certifies Dermatologists, and previously certified Patricia
28 Stewart, is the Board of Certification in Dermatology ("BCD").

1 **Patricia Stewart's Right to Sue Under EEOC**

2 21. On June 17, 2013, the Equal Employment Opportunity
3 Commission ("EEOC") sent Patricia Stewart a letter certifying her right to sue AAPS
4 for violations of Title VII of the Civil Rights Act of 1964. A true and accurate copy
5 of Patricia Stewart's right to sue letter has been attached as **EXHIBIT A (p. 71)**.
6

7 *Patricia Stewart Was Aggressively Recruited, Through the Affirmative*
8 *Misrepresentatives of AAPS' Agents, to Leave her ABMS Accredited Residency*
9 *Training Program, and Turn Down Several Opportunities Available to Her*
10 *Train in ABMS and AOA Approved Dermatology Residencies, to Instead Train in*
11 *an AAPS Affiliated Residency Program*

12 22. Immediately prior to applying to medical school, Patricia Stewart was a
13 professional model, a regular member of the team of half time performers for the San
14 Diego Chargers, and won a number of beauty pageants. In addition, she received
15 outstanding performance evaluations in all of her Dermatology course work and
16 clinical rotations. Consequently, while Patricia Stewart was a medical student in
17 1993 and 1994, and again after she had been accepted into an ABMS accredited
18 residency program at the University of California in San Diego, and was doing her
19 internship there in 1995, she was continually receiving offers to undertake her
20 specialty training at ABMS and AOA programs throughout the country. AAPS'
21 leaders-- including its Executive Director and the physicians in charge of the AAPS-
22 endorsed residency program into which she ultimately enrolled-- actively and
23 aggressively recruited her to join their training program. Patricia Stewart was told by
24 the then CEO of AAPS, and by AAPS' agents that she should choose a training
25 program affiliated with AAPS because AAPS was one of the three equally recognized
26 and accepted national certifying bodies, any one of which could offer her board
27 certification. AAPS's agents also told her that AAPS was the best board certifying
28 organization in the country, because AAPS offered better training and had higher
professional and ethical standards than the other two nationally recognized
certification boards.

1 23. These statements were false, and AAPS' leaders knew that they were
2 false, but Patricia Stewart did not know that they were false. Through their
3 intentional misrepresentations, they induced her to give up all other options and to
4 pursue her residency training in the field of Dermatology through a training program
5 that would lead to her being eligible to becoming board certified exclusively through
6 AAPS, rather than through a program accredited by the American Osteopathic
7 Association ("AOA") or the American Board of Medical Specialties ("ABMS").

8 24. Patricia Stewart relied upon the representations of AAPS, made through
9 its authorized representatives and supported by its published materials (**EXHIBIT B,**
10 **pp. 72-74**) that AAPS was as a premier and distinguished board certifying
11 organization that was widely recognized for its certification because of its strong
12 commitment to maintaining the ethical and professional qualifications of its
13 leadership and its Diplomates. Because she believed that the claims AAPS' agents
14 were making to her were true, she withdrew from her ABMS accredited residency
15 training program and declined numerous opportunities available for her to undergo
16 her Dermatology residency training in AOA and ABMS approved training programs.
17 She did so only because she trusted the claims of the representatives of AAPS that
18 pursuing her residency training in an AAPS affiliated training program would prepare
19 her to receive nationally and internationally recognized board certification and would
20 help to make her the best Dermatologist she was capable of becoming.

21 25. Had AAPS' leadership told her the truth, which is that AAPS board
22 certification is not universally recognized, and that its claims of operating according
23 to high ethical standards are completely false, Patricia Stewart would have either
24 stayed in her ABMS accredited residency program or chosen one of the AOA or
25 ABMS approved training programs in Dermatology that that had expressed a
26 willingness to accept her instead of enrolling in an AAPS affiliated training program.
27
28

1 **AAPS' Historical Pattern of Sexual Harassment, Discrimination and Retaliation**
 2 **Against Patricia Stewart and Another Female Physician**

3 26. In order to become a board certified Dermatologist through
 4 AAPS/ABPS, it is first necessary to complete the educational prerequisites at an
 5 AAPS-approved training program. Once these prerequisites are completed, a
 6 candidate must pass the Dermatology certification exam, which is administered by
 7 the BCD, an affiliate of AAPS/ABPS, and which is offered once per year. Once an
 8 AAPS member passes the Dermatology certification exam, s/he attains eligibility to
 9 become a "Diplomate" member of AAPS and AASD.

10 **Sexual Harassment And Retaliation By Her AAPS Affiliated Residency**
 11 **Director**

12 27. Patricia Stewart started her training in an AAPS affiliated Dermatology
 13 residency training program in July of 1995. It was not until she had completed the
 14 first year and a half of her training program that Patricia Stewart began to encounter
 15 difficulties with her AAPS trainer. During the second half of the second year of her
 16 AAPS approved residency training, Patricia Stewart was subjected to progressively
 17 worsening sexual harassment from the head of her training program. An example of
 18 his sexual harassment included his uninvited tampering with her computer to speak
 19 the words, "I want to have sex with you." The uninvited sexual advances and other
 20 inappropriate conduct on the part of the physician in control of her professional
 21 training program were extremely intimidating, and frightening experiences for a
 22 resident physician who had just invested two years of her life performing hard work
 23 for minimal compensation because she wanted to become a board-certified
 24 Dermatologist. She was afraid that she would not be allowed to complete her training
 25 unless she accommodated his demands, which she felt were completely uninvited,
 26 entirely inappropriate and totally unacceptable.

27 28. At the time Patricia Stewart had no idea that the problems that she was
 28 encountering with her trainer were indicative of a systemic problem with AAPS. She

1 thought that she was merely encountering a personal problem with her trainer.
2 However, when AAPS and the Academy of Dermatology were informed of the
3 existence of the problem while it was still occurring, and she asked them to please
4 intervene and help her, both groups claimed that there was nothing that they could do
5 about the escalating problem of sexual harassment. Consequently, upon completing
6 the second year of her residency training in her original AAPS approved training
7 program, Patricia Stewart quietly left the program and switched to another training
8 program so that she could complete her final year of training free from sexual
9 harassment.

10 29. When she told her original residency director that she was transferring to
11 another program, he tried to stop her from leaving. He vowed that if she left he
12 would personally see to it that she would never be able to become a board certified
13 Dermatologist. He followed through on his threat. Though he had already signed
14 off her training logs documenting the cases she had handled in her first two years as a
15 resident, he refused to sign verification that she had completed all of the requirements
16 of her two years of training in his program.

17
18 Gender Discrimination By AAPS—Refusal to Allow Her to Sit For Board
19 Certification Examination

20 30. AAPS did not advise Patricia Stewart that any problems would result
21 from her decision to change training programs and they approved her new training
22 program. However, after she had completed her three years of residency training and
23 wanted to sit for the certification examination, Patricia Stewart learned that AAPS
24 adopted a position that was supportive of their approved residency trainer, who they
25 knew had been sexually harassing her, and who they knew had threatened to retaliate
26 against her if she left his training program. Though Patricia Stewart had been
27 communicating with AAPS since 1993 and they had recruited her; though AAPS and
28 its leaders knew that Patricia Stewart had been attending a residency program that
was affiliated with AAPS from the time that she began her training program; though

1 she had been attending AAPS meetings since 1995; though she had formally joined
2 AAPS in 1996; though they knew that she had been experiencing sexual harassment
3 during the second year of her training program that required her to change programs;
4 and though she had provided AAPS with detailed documentation showing that she
5 had completed all of the training requirements necessary for her take the certification
6 examination by June 30, 1998 (**EXHIBIT C, p. 75**), AAPS refused to allow her to
7 sit for the July, 1998 board certification examination. At the same time they allowed
8 male applicants, and female applicants who had not opposed discrimination by
9 residency trainers, who had completed substantially the same training as she had
10 completed, to take the certification examination.

11
12 EEOC Finds Probable Cause and AAPS Alters Its Position and Allows Her to
13 Take Board Certification Examination

14 31. After being prevented from sitting for the July 25-26, 1998 exam,
15 Patricia Stewart filed charges with the EEOC against her residency trainers for sexual
16 harassment and retaliation, and against AAPS for gender discrimination with the
17 EEOC, stating that there was no non-discriminatory reason for AAPS' refusal to
18 recognize Patricia Stewart's training or case studies.

19 32. It took more than a year for the EEOC to investigate her claim.
20 However, once the EEOC found that there was probable cause to support her
21 complaint against her residency director, AAPS quickly changed its position. In
22 settlement of her EEOC claim and potential lawsuit against AAPS, after having
23 prevented her from taking the board certification examination for almost two years,
24 AAPS changed its position and agreed to accept the exact same evidence of the
25 completion of her residency training that Patricia Stewart had previously submitted
26 prior to her original application, which they had previously claimed was inadequate
27 to prove that she had completed her residency training requirements. (**EXHIBIT D, p.**
28 **76**).

33. At the time, Patricia Stewart did not know, or have any reason to know,

1 that the AAPS and its Executive leadership secretly advocated and supported the kind
2 of sexually inappropriate conduct that had been perpetrated against her by her
3 residency director. In fact, she did not learn this information until June of 2011.

4
5 AAPS' Unfair and Discriminatory Practices Associated With Administration of
6 the Board Certification Examination

7 34. When she sat for the AAPS Dermatology certification examination for
8 the first time on the year 2000, Patricia Stewart learned that the questions on the
9 exam were not representative of the material that was taught in her Dermatology
10 training . She learned from a male candidate taking the same exam that his AAPS
11 trainer had told him and other candidates for board certification to prepare for the
12 certification examination by studying the continuing medical education questions
13 contained in specific "Blue Journal" editions. Patricia Stewart had not been similarly
14 informed that the certification examination would be derived from those sources.

15 35. After the exam, Patricia Stewart went to the library and studied the blue
16 journals, discovering that virtually every single question on the Dermatology
17 certification exam had been plagiarized from questions contained at the end of the
18 specific continuing medical education articles within those journals that the male
19 certification candidates had been instructed to study. The Blue Journal questions
20 chosen for the certification examination covered obscure research topics which were
21 not relevant to the ordinary practice of Dermatology, and which were not included in
22 the core materials that would ordinarily be expected to be known by a physician who
23 had completed a Dermatology residency training program. In fact, the answers to the
24 questions on the examination would not ordinarily been known by anyone, unless he
25 or she had been directed to prepare for the Dermatology certification examination by
26 studying the specific questions found in the designated journals.

27 36. Stewart contacted AAPS CEO Carbone, and explained that the
28 examination questions had been plagiarized, and that unfair and discriminatory
practices were taking place within the Dermatology Academy. Mr. Carbone asked

1 Patricia Stewart to keep this information confidential, and promised to take steps to
2 meaningfully reform the Dermatology certification exam in order to make it fair.

3 37. Despite Mr. Carbone's promises, one year later in 2001, when Patricia
4 Stewart re-took the Dermatology certification exam, it consisted entirely of the exact
5 same questions which had been plagiarized from blue journals that had been present
6 on the previous year's certification examination. Although she easily passed the
7 examination, since she had made copies of all of the questions from the Blue Journals
8 that were on the previous examination, and had copies of their published answers, as
9 well. Nevertheless, she was still concerned about the unfairness of the practice of
10 testing candidates using plagiarized exam questions concerning issues that were not
11 part of the core Dermatology materials included in residency training, and of
12 selectively informing candidates for certification of how to prepare for the
13 examination. Patricia Stewart notified AAPS' Certification Manager, Marjorie Paulk,
14 and provided her with copies of the plagiarized questions, including the sources they
15 had been taken from, so that Ms. Paulk could confirm that the items on the exam had
16 been plagiarized. After that, Ms. Paulk recognized that what Patricia Stewart has
17 been saying was true, and she wrote to thank Patricia Stewart for her "efforts to
18 expose unfairness among us." A true and accurate copy of Marjorie Paulk's letter has
19 been attached as **(EXHIBIT E, p. 77)**.

20 38. Because the members of BCD could not deny that they had plagiarized
21 the questions on the Dermatology certification exam, and had used their control over
22 access to study materials to assist AAPS agents to discriminate against applicants on
23 the basis of their gender, their race, or the religious beliefs that they expressed, and to
24 retaliate against women who opposed this discrimination, AAPS' Board of Directors
25 took disciplinary action in 2001, suspending the BCD. True and accurate copies of
26 the letter notifying AASD and BCD of the disciplinary action have been attached as
27 **(EXHIBIT F, pp. 78-82)**.

28 39. As a consequence of the disciplinary action, AASD was no longer able

1 to maintain itself as a standalone academy, and had to be absorbed into the Academy
2 of Internal Medicine. Dermatologists within AAPS who had benefitted from
3 receiving advance knowledge of the items on the Dermatology certification exam
4 made defamatory statements about Patricia Stewart, ostracized her and yelled at her
5 during organizational meetings. During this time period, Defendant Ilowite presided
6 over a meeting in which he and other members of AASD had pre-selected the officers
7 of the academy prior to the meeting outside in the hall. When another AAPS
8 Diplomate attempted to nominate Patricia Stewart for an academy office, Ilowite
9 prevented Patricia Stewart from being considered for that office by misrepresenting
10 that the Bylaws prevented her from running for office until she had been a Diplomate
11 for five years. Ilowite fabricated this five year requirement in order to prevent
12 Patricia Stewart from occupying an academy office. This action was taken in order to
13 discriminate against Patricia Stewart due to her gender, and to retaliate against
14 Patricia Stewart for opposing the policies which had allowed AAPS trainees to be
15 sexually harassed and coerced by their trainers. **(EXHIBIT G, pp. 83-84)** is a true
16 and accurate copy of a letter documenting the foregoing allegations.

17
18 Patricia Stewart Helped Create a Sound Certification Examination and
19 Received AAPS' "Physician of the Year Award."

20 40. In the first quarter of 2002, there were four residents who had qualified
21 to take the Dermatology certification examination, but AAPS was unable to allow
22 them to sit for the exam since the BCD had not written a fair exam. AAPS'
23 President, Jerry Majers created a task force whose goal was to provide Dermatology
24 candidates with an opportunity to attain board certification in Dermatology, and
25 asked Patricia Stewart to assist AAPS to create a new Dermatology certification
26 examination. **(EXHIBIT H, p. 85)** is a true and accurate copy of Jerry Majers' letter
27 to Patricia Stewart soliciting her assistance with this endeavor. During 2002, Patricia
28 Stewart organized a team of Dermatologists who wrote and administered a new
Dermatology certification exam in January 2003. As a result of her accomplishments

1 and service of the organization, AAPS recognized Patricia Stewart as its “Physician
2 of the Year” in 2003.

3
4 AAPS Continued Its Discriminatory Practices

5 41. Patricia Stewart and the team of Dermatologists she had assembled to
6 create and administer the examination worked under the supervision of Dr. Larry
7 Early, a Psychometrician who AAPS had consulted to help to oversee the
8 administration, scoring, and notification of the results of the examination
9 **(EXHIBIT I, pp. 86-88)**. The team administered and scored the examination, and on
10 February 22, 2003, Dr. Early met with the team, notified them of the testing results
11 and of which questions on the exam were problematic. After the seven problem
12 questions were removed from consideration, Dr. Early informed the team that all of
13 the candidates tested had passed the examination. After Dr. Early informed the team
14 that all of the candidates had passed the examination, the results were released and all
15 of the candidates were notified that they had passed the certification examination.

16 42. One of the applicants for the January 2003 exam was a female physician.
17 Carbone did not want AAPS to extend board certification to her, because she is a
18 woman, and because she is Asian. Carbone decided to retroactively deny her board
19 certification--, even though it had already been determined by the BOCD and the
20 consulted Psychometrician that she had passed the certification exam, and even
21 though both she and all of the other candidates had already been notified that they
22 had passed the exam.

23 43. Carbone hired a new director of certification, Dr. Stanley Kalisch, in late
24 February of 2003, and instructed him to come up with a justification to change the
25 scoring and interpretation of the results of her examination to from passing to failing.
26 Dr. Kalisch did as he was requested to do and in March of 2003, Dr. Kalisch sent out
27 a letter to the affected physician overruling the determination that had been made by
28 the Dermatologists and the Psychometrician who had administered and scored the

1 examination. The letter informed her that she had not passed the examination.

2 44. This letter caused considerable controversy within the Academy of
3 Dermatology-- particularly among the Dermatologists who had participated in the
4 drafting and scoring of the examination, who all believed that the candidate in
5 question had achieved a passing score on the examination. Thereafter, on April 23,
6 2003 Carbone convened a special conference call meeting of the Board of
7 Certification in Internal Medicine, which oversaw the Board of Certification in
8 Dermatology. Despite the fact that Patricia Stewart was the elected representative of
9 the Dermatology Academy to the Board of Certification in Internal Medicine, she
10 was not correctly informed in advance of the meeting by AAPS of how to attend the
11 telephonic meeting, which had been scheduled by Mr. Carbone. (She was provided
12 the wrong phone number for the conference call, a common practice when Mr.
13 Carbone wants to exclude someone from a meeting.) Consequently, she did not
14 arrive into the meeting until it was too late for her to address the results of the
15 certification testing. By the time she had joined the conference call, both Mr.
16 Carbone and Dr. Kalisch had supplied the Board with false information concerning
17 the outcome of the certification examination. In particular, they both falsely claimed
18 that the candidate in question had scored almost whole standard of error (standard
19 deviation) lower than the other candidates, and that she had correctly answered
20 significantly fewer than 68% of the examination questions, which she had not. As a
21 result of the misrepresentations, the Board of Certification voted to uphold Mr.
22 Carbone and Mr. Kalish's decision to overrule the decision of BOCD and Dr. Early
23 and retroactively fail the candidate.

24 45. On or about April 28, 2003, Kalisch notified the candidate, via a letter
25 which has been attached as (**EXHIBIT J, p. 89**), that the Board of Certification in
26 Internal Medicine had confirmed that she had not passed the exam. Kalisch's letter
27 contained an apology for the fact that she had been "inappropriately contacted by a
28 Board member and incorrectly advised that you passed."

1 46. The affected physician decided to appeal the decision of the Board of
2 Certification overruling the original determination of the Dermatology subspecialty
3 board. In support of the affected physician's appeal, both Patricia Stewart and Dr.
4 William Radentz , an ABMS certified Dermatologist who was a member of the team
5 that had created, administered, and scored the examination wrote letters explaining
6 the errors in, and impropriety of, what had taken place. Dr. Radentz's letter to Mr.
7 Carbone explained, among other things, that all of the candidates who took the
8 examination—including the affected physician-- had correctly answered at least 74%
9 of the examination questions that were ultimately determined to have been valid.
10 This controverted the false claim made by Dr. Kalisch to the Board of Certification
11 that the failed examinee had correctly answered well below 68% of the questions.
12 Patricia Stewart's letter, copies of which she sent to all members of the Board of
13 Certification in Internal Medicine, explained the careful process that had been
14 undertaken in administering and scoring the examination—and reminded the Board
15 that all of the scoring had been done under the supervision of the consulting
16 Psychometrician, Dr. Larry Early, who had been hired by AAPS to consult and
17 oversee the administration and scoring of the examination. She strongly objected to a
18 non-Dermatologist, and non-physician-- who had not been present during either the
19 examination or the actual scoring-- unilaterally and retroactively over-ruling the
20 decision that had been reached by the Dermatology experts and the expert consultant.
21 These letters have been attached as **(EXHIBIT K, pp. 90-93)**.

22 47. The appeal brought by the physician who had been retroactively failed
23 was denied. But Mr. Carbone was not satisfied. He wanted Patricia Stewart to be
24 disciplined for daring to oppose his efforts to prevent the affected physician from
25 receiving a passing score on the examination. To accomplish this, he fabricated a
26 case against Patricia Stewart. First, Mr. Carbone secretly calendared a disciplinary
27 hearing before the Board of Directors at their annual meeting scheduled for June 28,
28 2003 in Las Vegas, NV. Then, on June 4, 2003 -- just a couple of weeks prior to the

1 annual meeting -- Mr. Carbone created the evidence he needed to create the false
2 impression that Patricia Stewart, who at the time was the representative of the
3 Dermatology Academy to the ABPS Board of Certification in Internal Medicine, had
4 defied the instructions of the Board of Certification—both by communicating the
5 results of the meeting to the affected physician, and by originally improperly
6 notifying the aforementioned physician that she had passed the certification
7 examination. Mr. Carbone retroactively altered the minutes of the Board of
8 Certification meeting of April 23, 2003 to falsely state that “the Board directed
9 [Patricia Stewart] not to communicate with the Dr. M-- on the subject of the
10 examination results and the Board’s action.” **(EXHIBIT L, pp. 94-97 at 97).**

11 48. The statement that Mr. Carbone added to the minutes of the meeting six
12 weeks after it had occurred was not true. As can be seen from the last two lines of
13 paragraph 3 of the letter sent by Dr. Kalisch to the affected physician on April 28,
14 2003, **(EXHIBIT J, p. 89)** the affected physician’s name had not even been
15 mentioned at the meeting on April 23, 2003. As could be seen from the last line of
16 the original minutes **(EXHIBIT L, p. 95)**, the original minutes had been drafted and
17 signed by Dr. Kalisch, and he had done so the day after the late evening meeting had
18 taken place. Consistent with his written communication to the affected physician, her
19 name was not mentioned in the minutes. As is his custom, Mr. Carbone simply
20 altered the minutes of the meeting to achieve his personal goal, which was to create
21 the false impression that Patricia Stewart had violated the specific instructions of the
22 Board of Certification, and that, therefore, she should be subjected to disciplinary
23 action.

24 49. When Mr. Carbone altered the minutes of the April 23, 2003 meeting on
25 June 4, 2003--six weeks after the meeting had occurred --to include the name of the
26 affected physician, and to insert the false claim that Patricia Stewart had been
27 specifically instructed not to inform the affected physician of the results of the
28 meeting, Mr. Carbone apparently forgot that the Committee has insisted that the

1 affected physician's identity be kept confidential from them. This mistake showed
2 that his additions did not reliably reflect what had actually occurred at the meeting.

3 50. Patricia Stewart was required to appear before the Board of Directors at
4 the annual meeting of AAPS which took place in Las Vegas, Nevada on June 28,
5 2003 to face disciplinary charges under Bylaws § 3.05 for allegedly engaging in
6 conduct deleterious to the organization by allegedly refusing to abide by the directive
7 of the Internal Medicine Board of Certification. She denied that she had
8 communicated with the affected physician about the results of the meeting prior to
9 the physician without authorization. She was able to present evidence showing the
10 blatant discrepancy between the modified minutes and the earlier accounts of what
11 had taken place at the meeting. She was also able to show other evidence revealing
12 that the examination committee had been authorized to release the results of the
13 Dermatology Certification examination. Consequently the Board of Directors found
14 that there was no merit to the charges that had been brought against her by Mr.
15 Carbone and dismissed them.

16
17 **Recent Events**

18 51. Having achieved her board certification; having assured that there was a
19 fair and reasonable testing procedure in place for other prospective candidates for
20 board certification in Dermatology; and having no wish to be involved in any
21 additional controversies that could potentially subject her to discipline again, Patricia
22 Stewart withdrew from participation in all political issues involving AAPS from 2003
23 until late 2010. In late October of 2010 she had been asked to serve as Governor of
24 the Academy of Dermatologists. Although she had been elected to the position, she
25 expressed her reluctance to once again become involved in any of the controversies
26 involving AAPS because of her previous unpleasant experience of having been
27 subjected to disciplinary proceedings for carrying out her duties in good faith. In
28 response to her concerns, she was personally reassured by Mr. Carbone that AAPS'

1 discriminatory practices had been reformed, and that she could safely participate in
2 leadership within the organization in a diligent and ethical fashion without fear of
3 being retaliated against. (**EXHIBIT M, pp. 98-102**) Relying upon Mr. Carbone's
4 representations, Patricia Stewart served in her role as Governor of AASD with
5 diligence.

6 52. However, unknown to Patricia Stewart at the time, but well known to
7 Mr. Carbone, who was in the middle of the controversy, a series of events had been
8 transpiring at AAPS that would once again place Patricia Stewart right back into the
9 middle of Mr. Carbone's disciplinary machine, where he could finish the task that he
10 had intended to accomplish years ago, which was to get rid of Patricia Stewart.

11 53. The controversy had begun earlier in the year in 2007, when the Florida
12 based former Chairman of the Board of Certification of the Academy of Emergency
13 Physicians, by far the largest academy of AAPS, comprising approximately 2/3 of its
14 AAPS' members, Dr. Richard Spindler, was arrested and charged with repeatedly
15 sexually molesting his 14 year old patient and possession of child pornography, and
16 attempting to induce his patient to help him to create child pornography. Dr. Spindler
17 hung himself and died in his jail cell just hours after his arrest. Although the scandal
18 was widely reported in the newspapers and other media in Florida, including Tampa,
19 where AAPS is headquartered, AAPS covered up the scandal by misrepresenting to
20 its members nationwide that Dr. Spindler had died of a "heart attack." (**EXHIBIT N,**
21 **pp. 103-105**).

22 54. The next phase of the controversy began in early to mid 2010, when two
23 high level employees of AAPS, Cassandra Newby, the Director of Board
24 Certification, and Tim Bell, the Director of Governmental Affairs, were terminated
25 and subsequently published complaints that were forwarded to the Board of
26 Directors, but not to the members. These letters and other documents revealed the
27 fact that Mr. Carbone had been engaging in scandalous, racist, sexist, and otherwise
28 unprofessional and discriminatory practices at AAPS headquarters.

Former Director of Governmental Affairs, Tim Bell, Informed Members of the Board of Directors That Mr. Carbone Had Circulated Scandalous Pornographic Materials at AAPS Headquarters

55. Documents circulated to Board members in early 2010 by former Director of Governmental Affairs Timothy Bell had revealed that AAPS' CEO, Carbone, had sent and received inappropriate emails using his AAPS email account, from and to persons affiliated with AAPS-- including numerous high ranking officers and past presidents of AAPS, as well as employees of AAPS-- that contained a variety of offensive materials disparaging women, children, people of color, patients, religious groups, and others. The emails revealed by Mr. Bell to have been sent to him by Mr. Carbone using AAPS workplace computers during work hours contained photos and videos of nude women, some of whom appeared to be under the age of 18 years, as well as photos of nude women exposing themselves in public in the presence of small children; a video of group sex; a nude woman urinating in public, and extensive other scandalous and controversial materials. Regardless of one's personal views, it is currently universally accepted that such materials are not appropriate for recreational distribution by employees during work hours in the headquarters of an organization that certifies that its Diplomate physicians are extremely ethical, and can be trusted to be above reproach in dealing with patients who must undress to be examined.

56. Mr. Carbone has admitted in deposition testimony that he did send and receive these emails using AAPS computers while he was working there. Anthony Robert Cerrato, undergoing a deposition as the representative of AAPS admitted that, despite learning about Mr. Carbone's alleged inappropriate conduct from Mr. Bell, AAPS did not perform any investigation whatsoever of Mr. Carbone's alleged misconduct. AAPS did not even ask Mr. Carbone if the allegations were true.

Former Director of Board Certification Cassandra Newby Sued AAPS and its CEO Carbone for Discrimination and Creating a Hostile Workplace

Environment

57. Although she had initiated her complaints beginning in early 2010, on April 7, 2011, AAPS' Director of Certification Cassandra Newby ("Newby") filed a formal legal Complaint in Case No. 11-04381 in the Thirteenth Judicial Circuit of Hillsborough County, Florida alleging that she had experienced civil rights violations in the form of age, sex and disability discrimination in violation of the Florida Civil Rights Act of 1992, Chapter 760, Florida Statutes (2007) and for the torts of negligent retention, intentional infliction of emotional distress, assault, battery and defamation against AAPS and Carbone. Newby's Complaint contained inflammatory allegations in paragraph 22 that Carbone exposed Newby to "pornographic and racially biased pictorial emails placed on AAPS' shared drive," including "pictures of women with large bare breasts and women with their genitals exposed," an allegation which Carbone admitted on p. 183:10-15 of his deposition taken in Case No. 11-004947. Newby's Complaint also alleged in paragraph 23 that Carbone's ageist and sexist behavior toward Newby was severe and pervasive, and that Carbone's conduct "created an abusive working environment" that made it "nearly impossible" for Newby to work. **(EXHIBIT O, pp. 106-135).**

58. On May 3, 2011, the Newby legal case was settled for an undisclosed amount after the Executive Committee authorized AAPS' attorneys to settle the lawsuit. The settlement occurred even prior to the deadline for AAPS and Mr. Carbone to answer the Complaint.

AAPS Was Put on Probation By the Council that Certifies AAPS to Provide Continuing Medical Education Credits to Physicians

59. On or about December 17, 2009, AAPS had been placed on probation status by the ACCME—which is one step away from non-accreditation status, which would result in a revocation of AAPS' ability to issue CME credits to physicians. Among the effects of AAPS' probationary status was that AAPS was no longer eligible to jointly sponsor CME activities with non-accredited providers. Carbone

1 and Montes knew about probation in 2009, but concealed the fact that AAPS had
2 been placed on probation by the ACCME from members of the CME committee.
3 This information was revealed to the Board Members by Tim Bell.

4
5
6 The Immediate Past President of AAPS, Dr. Tom Castillo; Another Board
7 Member Robert Geller and Another Physician Leader, Dr. Gary Klein Called
8 for an Investigation of AAPS' Executive Leaders Responsible for the Lawsuits

9 60. Because of concerns that Carbone's alleged civil rights violations and
10 creation of a hostile workplace, the ACCME's placement of AAPS on probationary
11 status, and the distribution of pornographic, sexist, racist and anti-Semitic emails
12 from Carbone to co-workers at AAPS headquarters could have an adverse effect upon
13 the reputation of AAPS as an ethical organization, and upon the public recognition of
14 its board certification, and because the allegations of misconduct by Mr. Carbone
15 appeared to be supported by substantial evidence, several leading physicians in AAPS
16 expressed a desire to see that an investigation be performed into these matters.

17 AAPS Suspended Drs. Castillo, Geller and Klein's Memberships Without Due
18 Process And All Members Were Ordered Not to Have Any Contact with Them

19 61. Rather than looking at any of the evidence of misconduct on the part of
20 Mr. Carbone; and rather than considering whether Mr. Carbone's conduct was
21 ethical, consistent with AAPS espoused ethical standards, or posed any risk to the
22 reputation of AAPS, or to the public recognition of its board certification, the
23 executive leadership adopted the position that protecting Mr. Carbone from being
24 questioned, or held accountable for his conduct was the only priority worth
25 considering. Anyone who openly questioned the appropriateness of Mr. Carbone's
26 conduct, or who wanted an investigation of his conduct to be performed, was
27 considered to be part of a conspiracy to destroy the organization. Consequently, the
28 Executive leadership—all of whom were hand-picked for the Executive Committee
by Mr. Carbone—told the physicians requesting an investigation that it would take

1 many months to schedule a meeting to discuss initiating an investigation of Mr.
2 Carbone's conduct. In the meantime, working closely with Mr. Carbone behind the
3 scenes, they aggressively looked for a way to shut down the physicians who were
4 requesting an investigation. Ultimately, they decided to suspend the membership of
5 the three physicians who were calling for an investigation of Mr. Carbone's conduct--
6 without providing them a hearing, as is required under the AAPS Bylaws—and to
7 threaten, terminate, and due anyone who dared to question the propriety of their
8 decisions.

9 62. Rather than inform the entire Board of Directors about their plan to
10 suspend the immediate past president and another Board member without providing
11 them a hearing, the executive leadership willfully concealed their plans from most of
12 the Board. Instead, they held a secret meeting on September 30, 2010, at which only
13 nine members of the Board were present—five of whom were members of the
14 Executive Committee, who had been hand selected for their positions by Mr.
15 Carbone, plus Dr. Montes—a close ally of Mr. Carbone's who was appointed to the
16 Board by someone chosen by Mr. Carbone. These six individuals had enough votes
17 to control the outcome of the Board vote, as long as the President of AAPS who
18 called the meeting limited the total number of Board members at the meeting to nine,
19 which they did by concealing the occurrence of the meeting from all of the other
20 Board members. Thus, the Executive Committee put together a sham Board meeting
21 at which they acted in violation of AAPS Bylaw 3.05 and Fla. Stat. § 617.0607 to
22 suspend Drs. Castillo, Geller and Klein's membership in AAPS without according
23 them notice or an opportunity to present evidence in their defense, via a process that
24 was unfair, unreasonable process and not carried out in good faith (See **EXHIBIT P,**
25 **at paragraphs 93-119, pp. 163-168).**

26 63. That same day, the President of AAPS Anthony Russo sent a letter to
27 Mr. Carbone informing him that “we will stand behind (or in front) of you, whatever
28 it takes.” In declining to investigate the clearly inappropriate conduct of Mr.

1 Carbone; in suspending the three physicians who were requesting an investigation to
2 be performed of Mr. Carbone's alleged misconduct; and in pledging their loyalty to
3 their CEO, Mr. Carbone, without consideration of the effect of his conduct upon the
4 organization—especially when Mr. Carbone's conduct which is clearly inconsistent
5 with the AAPS Code of ethics, AAPS' control group has revealed that they do not
6 consider it to be important to abide by their Code of Ethics. They have further
7 revealed that their repeated representations to prospective members of the
8 organization, and to the public at large, that AAPS is a highly ethical organization
9 are false.

10 64. Shortly after suspending these physician leaders of AAPS, on October 7,
11 2010 the Executive Committee banned these physicians from attending any AAPS
12 functions or speaking with anyone in the organization by sending out mass emails to
13 the leaders of all academies and staff of AAPS notifying them that the members of
14 the organization that they were not to have any contact with the suspended
15 physicians.

16 65. Thus, at the time that Mr. Carbone informed Patricia Stewart that she
17 could safely serve AAPS as governor of AASD in a diligent and ethical manner
18 without fear of retaliation, he knew that he was in the middle of a huge ethical
19 scandal; that the persons who had expressed a desire for an investigation to be
20 performed of his scandalous conduct had been suspended from the organization; and
21 that the executive leadership of AAPS, who were able to control its Board of
22 Directors of AAPS had pledged and proven that they would use their authority to
23 support him and his interests, without regard to any Ethical Code that AAPS and its
24 members were supposed to abide by ; and that the executive leadership would do
25 whatever it took to prove their loyalty to Mr. Carbone.

26 66. Since the scandal concerning Mr. Carbone was being actively discussed
27 among the leaders of AAPS, Mr. Carbone knew that Patricia Stewart would soon
28 learn about the scandal. He also knew from past dealings with her, that Patricia

1 Stewart would take a stand against any unethical or unfair conduct that she knew
2 about within the organization. Consequently, Mr. Carbone knew that by encouraging
3 Patricia Stewart to become involved in the leadership of AAPS, at the time that he did
4 in October of 2010, that he was setting the stage to achieve his longstanding goal of
5 seeing her membership in the organization terminated.

6 AAPS Unsuccessfully Sought to Make Fundamental Changes to Its Corporate
7 Structure to Expand the Power of the Executive Committee To Act On Behalf
8 of The Entire Board

9 67. The first time the Executive Committee tried to get the House of
10 Delegates to ratify proposed amendments to the Bylaws that would expand their
11 powers to include allowing them to make decisions traditionally reserved for the
12 Board of Directors was on or about December 15 of 2010. At that time, their request
13 was defeated after Member of the House of Delegates, Dr. Eric Wilkens, spoke out
14 and opposed the ratification of the proposed changes. The next day, Mr. Carbone
15 allegedly called Dr. Wilkens and stated, “we will end you” if he continued to oppose
16 the proposed changes. As a direct result of Mr. Carbone’s threats to harm him for
17 voting against the proposed amendments, Dr. Wilkens resigned from AAPS the very
18 next day. **(EXHIBIT Q, pp. 186-188)**. Thus, at a bare minimum Mr. Carbone
19 exploited his absolute control over the executive leadership of AAPS to eliminate
20 opposition to his agenda of further consolidating his grip on all sources of power
21 within the organization.

22 AAPS Sought to Make Fundamental Changes to Its Corporate Structure to
23 Justify the Suspensions of Drs. Geller, Klein and Castillo, and to Enable Them
24 to Continue Suspending Physicians Who Opposed Their Political Agenda

25 68. After Dr. Wilkens resigned, the Executive Committee and AAPS’ Board
26 of Directors once again pressured the House of Delegates to pass amendments to
27 sections 3.05 and 3.06 of AAPS’ Bylaws which would have permitted the *ultra vires*
28 disciplinary actions previously taken by the Executive Committee, by (among other
things) modifying Bylaw 3.05 to take away the exclusive right to make disciplinary

1 decisions away from the Board of Directors and vesting authority in the Executive
2 Committee, and also by removing the requirements in Bylaw 3.05 of 30-days written
3 notice and an opportunity to present evidence in one's defense. Elections to ratify
4 these proposed Bylaw changes were initially scheduled on June 25, 2011, during the
5 meeting of the House of Delegates in Tyson's Corner, Virginia. (**EXHIBIT R, pp.**
6 **189-192 at p. 190**).

7 Prior the Annual Meeting in Tyson's Corner, Virginia Numerous Individuals—
8 Including Patricia Stewart's Constituents in the AASD-- Contacted Her With
9 Concerns About the Suspension of the Three Physician Leaders and Requests
10 That She Represent Their Interests at the Annual Meeting

11 69. Prior to the Annual Meeting that took place in Tyson's Corner, VA,
12 because she was serving as Governor, and because she was known for her strong
13 ethical positions on issue of common concern to members of AAPS, Patricia Stewart
14 received numerous phone calls from members of AAPS who were concerned about
15 the alleged conduct of Mr. Carbone, the suspension of the three physicians who were
16 requesting an investigation into his conduct, and the Bylaws changes that were being
17 proposed. Members were extremely concerned about Bylaws changes that would
18 enable any three members of the Executive Committee to suspend the membership of
19 any member without a hearing—even for disagreeing with their political agenda—
20 because the passage of such an amendment would effectively end free speech within
21 the organization. One member reported that she had received a letter from AAPS'
22 attorney threatening legal action against her for merely attempting to discuss the issue
23 of the suspension of the three leaders on a public member forum.

24 70. In response to the myriad of concerns that were being voiced by
25 physicians of conscience throughout the organization, including within her academy,
26 Patricia Stewart requested an attorney to do an investigation into the allegations of
27 impropriety that had been brought to her attention. The attorney performed an
28 investigation and found that there was reason to be concerned about the suspension of
the three physicians requesting an investigation of the conduct of Mr. Carbone and

1 the manner in which the Executive leadership was addressing the problems facing the
2 organization, because Mr. Carbone's alleged conduct and the manner in which the
3 leadership was addressing the problems could affect the reputation of the
4 organization, the recognition of its board certification, and its non-profit status.

5 71. Acting as an elected official under a duty to protect the interests of the
6 organization and the rights of her constituents, as well as a member of the
7 organization who had pledged to uphold and support ethical conduct within the
8 organization, and as a Diplomat who wanted AAPS carry out its mandate and enjoy
9 a good reputation so that her board certification would continue to be recognized,
10 Patricia Stewart adopted a position on the suspension of the three physicians and on
11 the proposed Bylaws amendments that were scheduled to be voted upon by the
12 House of Delegates at the annual meeting. Prior to the voting on the election of
13 officers and the ratification of the proposed Bylaws amendment at the annual meeting
14 of AAPS in Tyson's Corner, VA on June 25, 2011, Patricia Stewart handed out
15 copies of a document which had been prepared by the attorney. This document was
16 entitled *Preliminary Legal Opinion Regarding the Likely Effects of the Suspension of*
17 *Drs. Castillo, Geller and Klein Upon the Board-Certifying and Non-Profit Status of*
18 *the AAPS*, which has been attached as **EXHIBIT S, pp. 193-223**. This document
19 prompted considerable debate at the annual meeting, which resulted in the proposed
20 amendments to AAPS' Bylaw 3.05 being withdrawn.

21 72. During the annual meeting, Mr. Carbone approached Patricia Stewart in
22 a hostile and threatening manner in the hallway. He demanded to speak with her in
23 private, which she refused to do. Mr. Carbone voiced that he was extremely angry
24 about the opinion that she had circulated. His tone of voice and hostile attitude
25 revealed that he intended to do something about what he apparently perceived to be a
26 personal attack directed against him. Concerned once again about her risk of being
27 retaliated against for adopting an ethical and competent position on issues within the
28 organization that differed from Mr. Carbone's agenda, Patricia Stewart withdrew

1 from further public discussion of issues related to the suspension of the three
2 physicians and the changes in the Bylaws with the following exception: On January
3 10, 2012, AASD officers met via a conference call to discuss academy business.
4 During this conference call, Patricia Stewart, who at the time was a Governor of
5 AASD moved for her Academy to request the Board of Directors to immediately
6 reinstate Drs. Geller, Klein and Castillo. Another member seconded the motion but it
7 was defeated.

8 73. During the same meeting Patricia Stewart was nominated by her
9 constituents to run for three elected offices: 1) As representative of the academy to
10 AAPS' Board of Directors, 2) As one of the delegates to the House of Delegates, and
11 3) As Governor of her academy.

12
13 AAPS Retaliates Against Patricia Stewart For Voicing Opposition Immediately
14 Prior to the Annual Elections to the Workplace Discrimination, Retaliatory
15 Suspensions of Leaders, and Attempts By the Executive Leaders to Suppress
16 Free Speech Within The Organization

17 74. Shortly after Patricia Stewart was nominated to run for the governing
18 bodies of AAPS, a series of adverse actions followed. On or about March 26, 2012,
19 Defendant Marciniak sent a letter to Patricia Stewart on behalf of AAPS' Board of
20 Directors, which has been attached as **EXHIBIT T, p. 224** notifying her that she had
21 been removed from her elected position and was precluded from serving in any
22 elected office within AAPS. The pretext given for this adverse action was that
23 Patricia Stewart had failed to sign and submit a nondisclosure form by February 10,
24 2012 deadline. However, Patricia Stewart's failure to meet AAPS' deadline resulted
25 from the fact that she did not receive the letter notifying her of the deadline's
26 existence until well after the deadline had passed. This occurred because AAPS had
27 underpaid the required postage by \$1.35, and the post office withheld delivery of the
28 letter. Although AAPS knew that the return receipt-requested registered letter had
been delivered after the deadline had expired; and although Patricia Stewart wrote a

1 letter to the Board, which has been attached as **EXHIBIT U, pp. 225-228**, in which
2 she explained the circumstances and attached documentation from the post office
3 verifying that it was AAPS' fault that she did not receive timely notice of the
4 deadline—thereby eliminating the Board's ostensible pretext for the adverse action
5 against her—AAPS refused to reinstate her, or to restore her right to run for office
6 and the adverse action remained in effect.

7 75. The next adverse action occurred two days later, on March 28, 2012,
8 when Defendants Montes, Cerrato, Maggio and Gallagher sent out an email from
9 Florida, which has been attached as **EXHIBIT V, pp. 229-230**, to the entire AAPS
10 membership nationwide falsely accusing Patricia Stewart of playing an "active role"
11 in a "campaign to destroy AAPS." AAPS and the physicians who drafted and sent
12 the letter knew that the allegations they had made against Patricia Stewart were not
13 true, and intentionally disseminated the false statements in order to destroy Patricia
14 Stewart's reputation as part of their scheme to mislead the members of AAPS into
15 believing they were serving the members' interests and the best interests of the
16 organization, when they were really just trying to eliminate and destroy anyone who
17 stood in the way of their common scheme to mislead, extort and exploit the members
18 for their own private interests.

19 76. At about the same time AAPS filed a meritless defamation lawsuit
20 against Dr. Stewart in the Thirteenth Judicial Circuit for Hillsborough County,
21 Florida in Case No. 11-004947, alleging that Patricia Stewart was part of a
22 conspiracy to destroy AAPS. The purpose of this lawsuit was to punish Patricia
23 Stewart for exercising her constitutional right to free speech, to retaliate against her
24 for opposing discrimination within AAPS at the annual meeting in June of 2011, and
25 to send a message to anyone else who might contemplate trying to stop them or stand
26 up for requiring AAPS' leadership to behave in an ethical or professional manner.
27 After the trial court acknowledged that there was no basis under Florida's long arm
28 statute to exercise personal jurisdiction over Patricia Stewart, and that she had no

1 minimal contacts with Florida, AAPS appealed to Florida's Second District Court of
2 Appeals in Case No. 2D 13-958.

3 77. On May 8, 2012, Cerrato sent a letter to Patricia Stewart stating that she
4 was going to be subjected to discipline by the Board of Directors for conduct
5 injurious to the best interests of AAPS and or incompatible with its purposes. The
6 evidence she was directed to consider to know what she was being accused of doing
7 was a copy of the claims that AAPS had made against her in their lawsuit. In the
8 letter, she was told that she would be permitted to appear before a Disciplinary
9 Committee, rather than before the Board of Directors. This represented an
10 unprecedented modification of how discipline had previously been conducted within
11 the AAPS. (**EXHIBIT W, p.231**)

12 78. On May 24, 2012, Patricia Stewart sent each of the members of the
13 Board of Directors a copy of a letter explaining that as far as she knew, she had done
14 nothing worthy of being disciplined, and requested to be provided evidence of what
15 she had allegedly done so that she could prepare her defense. She also explained why
16 it would not be fair for her to appear before a Disciplinary Committee consisting of
17 individuals who had conflicts of interest that could affect her ability to receive a fair
18 hearing. (**EXHIBIT X, pp. 232-237**) She requested to be permitted to appear before
19 the entire Board of Directors that was scheduled to meet in Marina Del Rey,
20 California on June 25, 2012. She received no response to this letter.

21 79. The next adverse action occurred on May 30, 2012, when Carbone and
22 Cerrato induced the officers of Patricia Stewart's academy—Defendants Slominski,
23 Rubakovic, Balshi, Honeycutt, Ilowite and Wallace to send out a mass email to all
24 members of Patricia Stewart's academy falsely stating that Patricia Stewart had
25 decided to "challenge the bylaws of the AAPS, to challenge the actions of the Board
26 of Directors of the AAPS, and to challenge the actions of the President of this
27 academy." A copy of this defamatory communication (hereafter referred to as the
28 "Defamatory Letter") has been attached as **EXHIBIT Y, p. 238**. The contents of this

1 email were false, because Patricia Stewart had not challenged the Bylaws of AAPS.
2 She had merely opposed ratification of proposed Bylaws changes that would restrict
3 the rights of AAPS members. Furthermore, all of her actions regarding the issues had
4 been conducted in a reasonable and respectful manner.

5 80. Later that week, Defendant Slominski sent an email, which has been
6 attached as **EXHIBIT Z, pp. 239-240**, in which she admitted that although she
7 privately approved of Patricia Stewart's actions that she publicly criticized, that the
8 AASD officers had been blackmailed into defaming Patricia Stewart by the "higher
9 eschelons" of AAPS who had required the AASD board to send out mass
10 communications defaming Patricia Stewart as a condition of allowing the
11 Dermatology academy to move forward with its fellowship "training program."
12 Slominski stated that the reason she had issued the communication was because
13 without the training program, "our Academy will die."

14 The Board of Directors of AAPS Terminates Patricia Stewart's Membership in
15 AAPS on May 30, 2012, Without Providing Her Either 30 Days Notice or The
16 Right to Present Evidence In Her Defense, As Required Under Bylaws § 3.06

17 81. On the same day that the Defamatory Letter was signed by the AASD
18 Board and sent to all of the members of the Academy of Dermatology Specialists,
19 May 30, 2012, at a Conference Call meeting of the Board of Directors that Patricia
20 Stewart was not invited to attend, Cerrato and members of the Disciplinary
21 Committee used the Defamatory Letter as a pretext to persuade the Board to vote to
22 terminate Patricia Stewart's membership in AAPS for "conduct injurious to, and not
23 in the best interests of AAPS." According to the letter that Patricia Stewart received
24 on or about June 21, 2012, which has been attached as **EXHIBIT AA, pp. 241-242**,
25 on May 30, 2012, the Board of Directors voted unanimously to terminate Patricia
26 Stewart's membership in AAPS. However, they did so without ever notifying her of
27 the meeting or providing her with an opportunity to present evidence in her defense.

28 82. Since the Board of Directors did not respond to her request for the

1 hearing on her termination to be held before the entire Board at the annual meeting of
2 AAPS in Marina Del Rey, the only hearing at which the Board of Directors offered to
3 permit Patricia Stewart to present evidence in her defense was a special meeting in
4 Tampa, Florida scheduled for June 9, 2012 (See **EXHIBIT W, p. 231**)—10 days
5 after the Board had already voted to terminate Patricia Stewart's membership in
6 AAPS.

7 83. Patricia Stewart, not knowing that she had already been terminated,
8 asked for, and was refused, to attend the meeting telephonically to present evidence
9 in her defense, as she is permitted to do by AAPS Bylaw 3.05. Patricia Stewart later
10 discovered that she had already been terminated and that the real purpose of this
11 meeting was to induce her to come to Florida and thereby waive her legal challenge
12 to Florida's right to exercise personal jurisdiction over her. Had she come to Florida,
13 she would have been allowing herself to be personally served with the frivolous
14 Counter-Complaint in which AAPS had accused her of defamation, abuse of process,
15 conspiracy and injurious falsehood. The effect of this would have been to negate the
16 trial court's ruling that she was not subject to jurisdiction in Florida.

17
18 The Judge in the Related Florida Cases Had Ruled on June 7, 2012 That
19 AAPS' Plan to Employ A Disciplinary Committee Instead of Permitting The
20 Accused Members to Appear Before the Board Violated Bylaws § 3.06

21 84. AAPS and the individual members of its Board of Directors
22 demonstrated a complete absence of either fairness or good faith during the entire
23 disciplinary process. On June 7, 2012 Hon. Judge Robert Foster, who was ruling in
24 the case in Florida which AAPS had brought against Patricia Stewart and numerous
25 other physicians--, intervened and stopped AAPS from employing a Disciplinary
26 Committee to conduct the hearing on June 9, 2012 that AAPS Executive leadership
27 was trying to conduct in order to terminate the membership of Drs. Castillo, Geller,
28 Klein, and Cressey-- who had previously had their suspensions lifted by the same
court, and who were not contesting Florida's jurisdiction over them. Judge Foster

1 ruled that the language of Bylaw § 3.05 must be interpreted to mean that the accused
2 physicians had the right to appear before the Board of Directors and present evidence
3 in their defense, not a three person Disciplinary Committee. **[EXHIBIT BB, pp.**
4 **252-276 --**Transcript of Hearing on 6/7/12 pp. 83-85, found on pages **272-273]**

5 85. Judge Foster issued an order enjoining AAPS from carrying out the
6 entire disciplinary process in the manner that they had intended to do. Despite
7 knowing that the Florida court had determined that AAPS was not following its own
8 Bylaws in employing a Disciplinary Committee instead of allowing the accused
9 physicians to appear before the entire Board to present evidence in their defense,
10 AAPS refused to change their course of action against Patricia Stewart to conform to
11 the court's determination.

12 86. Judge Foster's interpretation of the Bylaws is consistent with the manner
13 in which the Bylaws had previously been interpreted over the previous 14 years that
14 Patricia Stewart had been a member of AAPS. Thus, even if AAPS had permitted
15 Patricia Stewart to appear before a Disciplinary Committee before terminating her
16 membership, according to Judge Foster's ruling, they would have still materially
17 breached their contractual duty under the Bylaws to provide her an opportunity to
18 appear before the Board of Directors to present evidence in her defense prior to being
19 terminated from the organization.

20
21 AAPS' Termination of Patricia Stewart's Membership Was Unlawful, and
22 Neither Fair, Nor Carried Out In Good Faith

23 87. However, AAPS did not even provide Patricia Stewart either 30 days
24 notice or the opportunity to appear before even a Disciplinary Committee before
25 terminating her membership in the organization. According to the letter AAPS sent
26 to Patricia Stewart on June 18, 2012, which was received by her on or about June 21,
27 2012, her membership in AAPS had been terminated upon a vote of the Board of
28 Directors at a special meeting that took place on May 30th, 2012. Thus, the decision
to terminate her membership was made 21 days after the earliest date she could have

1 received the letter mailed out on May 8, 2012, providing her notice of the disciplinary
2 action against her. This length of time was considerably less than 30 days notice that
3 the Board was required to provide her under the Bylaws before terminating her
4 membership. Thus, AAPS failed to carry out their disciplinary termination of
5 Patricia Stewart's membership in the organization action in accordance with the
6 terms of the contractual agreement between AAPS and Patricia Stewart, both by
7 failing to provide her with 30 days notice, and by failing to permit her to appear
8 before the Board of Directors to present evidence in her defense.

9 88. Contrary to the inappropriately reached decision of the Board of
10 Directors that Patricia Stewart deserved to have her membership in AAPS terminated
11 because she had committed acts deleterious to, or not in the best interests of AAPS,
12 Patricia Stewart had always conducted herself appropriately and ethically and had
13 done nothing to justify any disciplinary action against her whatsoever. AAPS has
14 never produced any evidence to support any other position, despite having been
15 requested, in writing, to do so. Consequently, AAPS' failure to provide her either
16 the notice required under the Bylaws, or the right to appear before the Board and
17 present evidence in her defense constituted a material breach of the written contract
18 between Patricia Stewart and AAPS and it resulted in her being wrongfully
19 terminated from her membership in AAPS via a process that was neither fair, nor
20 conducted in good faith.

21
22 Cerrato, Carbone, Montes, and the Board of Directors Defame Patricia Stewart
23 at the Annual Meeting of the Board of Directors Through Conducting A Sham
24 Hearing, At Which They Presented False, Fabricated Evidence and At Which
25 They Falsely Alleged That She Was Being Permitted to Present A Defense,
26 When, In Reality, They Had Placed Guards Who Prevented Her From Entering
27 the Room.

28 89. On June 25, 2012, Cerrato prevented Patricia Stewart from attending the
annual scientific meeting of AAPS that was being held in Marina Del Rey, CA,
which she had already paid for. The entire Board of Directors, although present at

1 the meeting, refused to allow Patricia Stewart to present evidence in her defense to
2 show that she had not engaged in “conduct injurious to, and not in the best interests
3 of AAPS” because they had already terminated her membership before the meeting.

4 90. Slominski was outside the hall prior to the House of Delegates meeting.
5 Drs. Stewart and Radentz asked Slominski why she signed the Defamatory Letter.
6 Dr. Slominski was asked, “You [said you] don’t agree with our agenda? What
7 agenda don’t you agree with?” Slominski said “I don’t know.” Drs. Stewart again
8 asked “why did you sign that letter?” Slominski said because the AASD officers
9 were told by Cerrato that if they didn’t sign the letter, that the Academy couldn’t have
10 its Dermatology fellowship training program.

11 91. The Dermatology fellowship is a training program which would have
12 enabled physicians similarly situated to Slominski to pay residents minimal wages to
13 work at their offices and see their patients, in exchange for a certificate that says
14 they’ve fulfilled their requirements for their fellowship. Patricia Stewart told
15 Slominski that the AAPS executive leadership had used the Defamatory Letter to
16 establish its case against her, and Slominski said “I didn’t know that, I’m so sorry.”

17 92. During the open meeting of the Board of Directors attended by virtually
18 every AAPS member at the annual meeting, Cerrato and Carbone made a
19 presentation to the entire membership, which they stated was the disciplinary hearing
20 provided for under the AAPS Bylaws, during which they falsely informed the
21 membership that Patricia Stewart had authored and published a blog on the internet
22 that was open to the public that contained a variety of statements that appeared to be
23 very disrespectful and openly critical of AAPS leadership. These letters were falsely
24 imputed to Patricia Stewart in order to harm her good reputation within the
25 organization and subject her to humiliation, shame and hatred. A copy of the slides
26 that were presented to the entire membership is attached as **EXHIBIT CC, pp. 243-**
27 **251**. These documents were presented to convince the membership present that
28 Patricia Stewart had been harming the organization, that she had refused to accept

1 correction, and that because her conduct represented a threat to the public recognition
2 of their board certification, the Board had no reasonable choice but to terminate her
3 membership if they wanted to stop the ongoing harm she was allegedly causing to the
4 organization.

5 93. The members present were led to believe that Patricia Stewart was being
6 provided an opportunity to present evidence in her defense as is specified under the
7 Bylaws, and has had always been done previously when a physician was being
8 disciplined. The members were not informed that Patricia Stewart had already been
9 terminated at a secret meeting that had taken place on May 30, 2012. Dr. Cerrato
10 pretended to invite Patricia Stewart to come forward and present information, if there
11 was anything she wanted to say in her own defense. However, as he well knew, she
12 was unable to do so because he had posted guards at the door who were instructed to
13 prevent her from entering the meeting. Thus, the entire process was a sham,
14 knowingly willfully and maliciously premeditated to defame her by presenting false
15 information in the form of a hearing to the members in order to deceive the members
16 of AAPS into believing that she had been provided her rights to defend herself
17 specified in the Bylaws, but she appeared to have nothing to say in her defense.

18 94. The sham hearing achieved its intended purpose of further destroying
19 Patricia Stewart's reputation within the organization, which had already been
20 tarnished by the Executive leaderships' disciplinary actions against her—including
21 her removal from office. Even members who had historically been supportive of her,
22 were deceived by the false presentation. After the House of Delegates meeting, Dr.
23 Atwood Rice, a former AAPS board member, who had been removed from the board
24 one month earlier because he had disagreed with some of the conduct of the executive
25 leadership, and because he had requested that copies of the financial records of the
26 organization be made available for inspection by the members of his Academy, came
27 out and approached Patricia Stewart and said "I didn't know you had a blog site
28 Patty." Patricia Stewart replied "I don't" to which he replied, "Then why didn't you

1 defend yourself?” Former AAPS President, Dr. Castillo, who had been suspended
2 from AAPS for calling for an investigation of alleged executive leadership
3 misconduct, and had been reinstated by the Florida courts, came out and said, “Patty,
4 you did all those letters and a blog site?”

5 95. Many other members came out of the meeting expressing anger toward
6 Patricia Stewart. Some of them asked her, “how could you do something like that?”
7 A staff member said that she “could not afford to be seen with Patricia Stewart
8 because it could jeopardize her job.” Physicians who had previously been friendly
9 with Patricia Stewart before, walked by Patricia Stewart after coming out of the
10 meeting where the slides had been shown and gave Patricia Stewart looks of utter
11 disgust.

12
13 Cerrato, Carbone, and the Board of Directors Intentionally Misrepresented to
14 Patricia Stewart That She Would Be Provided the Right to Appeal the Board’s
15 Decision When They Actually Had No Intention To Provide The Appeal

16 96. In late July, 2012, Dr. Cerrato sent her a letter stating that she would be
17 provided an appeal hearing, in accordance with the Bylaw § 3.06, in accordance with
18 her request for her appellate rights. His letter also stated that AAPS would inform her
19 of the time and place of the hearing and they never did so. **(EXHIBIT DD, p. 277)**

20 Contrary to the False Representation AAPS Made In Their Letter Terminating
21 Patricia Stewart’s Membership in AAPS, That Her Board Certification Would
22 Not Be Affected By the Termination of Her Membership, Patricia Stewart’s
23 Board Certification Ended When Her Membership Was Terminated

24 97. The letter informing her that her membership in AAPS had been
25 terminated falsely stated that her Board Certification by the ABPS would not be
26 affected by the termination. **(EXHIBIT AA, p. 241)** Acting in reliance upon this
27 intentional misrepresentation by the Board of Directors of AAPS, Patricia Stewart has
28 paid her annual renewal certification renewal fees of \$895/per year in 2012 and 2013.
In addition, Patricia Stewart paid an additional \$895 “Legal Assessment” fee, which

1 AAPS stated was necessary for her to pay if she wanted to maintain her
2 certification—even though the money she was forced to pay was being used to pay
3 attorneys to maliciously sue her.

4 98. Patricia Stewart has recently learned that, contrary to the intentional
5 misrepresentation that AAPS made to her in June of 2012, and the ongoing continued
6 intentional misrepresentations that AAPS continues to make to her, AAPS has never
7 had the authority under the Bylaws and other charter documents of the organization
8 to maintain her board certification after they terminated her membership in 2012.
9 AAPS knew that their Bylaws specifically precluded them from continuing her board
10 certification when they terminated her membership in AAPS on May 30, 2012. Their
11 knowledge of this fact is evident from the fact that they deleted the second half of
12 page 5 of the 15th Revision of the Bylaws, dated June 25, 2011, which were in effect
13 at the time of her termination, which they attached when they sent her the letter
14 notifying her of her termination. The second half of page 5 contained Bylaws §3.06,
15 entitled *Effect of Termination of Membership*. This section clearly stated that a
16 terminated physician's name is to be stricken from the rolls of AAPS and all affiliated
17 organizations and that they may no longer hold themselves as possessing any of its
18 honors, including certification. **(Exhibit EE, pp. 285- 320 at p. 293)** The fact that
19 they deleted the section of the Bylaws showing that they did not have the authority to
20 do what they claimed they were doing, reveals that they knew what they were doing
21 when they did it, and did not want Patricia Stewart to know that they did not have the
22 authority to continue her board certification, as they claimed they could do and were
23 doing.

24 99. Florida law states that incorporated organizations must follow their
25 bylaws. Thus, AAPS had no authority to continue her board certification at the time
26 that they terminated her membership. They were once again making a
27 misrepresentation when they made the false claim that the termination of her
28 membership would not affect her board certification. Although AAPS later modified

1 the Bylaws on 6/25/12, approximately one month after terminating Patricia Stewart's
2 membership, by removing the language stating that terminated members may not
3 hold themselves out as being board certified, that modification was not applicable to
4 her, since her retaliatory termination occurred under the previous Bylaws.
5 Furthermore, the deletion of one line from the Bylaws did not change anything
6 material. They did not remove the language of Bylaws §3.06 stating that the
7 terminated members name shall be stricken from the rolls of membership in AAPS
8 and all organizations affiliates with AAPS. Clearly ABPS, which states under its
9 Bylaws that it is a division of AAPS is affiliated with AAPS. As such, Patricia
10 Stewart's name has been stricken from the rolls of ABPS, as well. Furthermore,
11 Article Two Section 2.02 of the Bylaws of the American Academy of Specialists in
12 Dermatology, AASD, states that the Diplomate members of the AASD shall consist
13 of those physicians who have been certified by the Board of Certification in
14 Dermatology, "BCD" an affiliate of the American Association of Physician
15 Specialists, Inc. ["AAPS"]. **(EXHIBIT FF, pp. 278-284 at p. 278)** Clearly, since the
16 BCD is an affiliate of AAPS, and since pursuant to the current language of Bylaws
17 §3.06 Patricia Stewart's name has been stricken from the rolls of all of its affiliated
18 organizations, including BCD, she cannot still be certified by BCD. Furthermore,
19 according to the Bylaws of the AASD, being board certified by the BCD is the
20 equivalent of being a Diplomate member of AASD. Being a Diplomate member of
21 AASD requires being a member of AAPS. Therefore, having her membership of
22 AAPS terminated, and her name stricken from the rolls of AAPS and of all of its
23 affiliated organizations means that she no longer meets the requirement to be board
24 certified by the BCD.

25 100. AAPS has no authority to support its claim that their termination of her
26 membership in AAPS has no effect upon her board certification. Consequently,
27 AAPS' claim to Patricia Stewart that their termination of her membership in AAPS
28 did not in any way affect her board certification through ABPS was nothing more

1 than the next in a series of fraudulent misrepresentations made by them to her with
2 the intent to mislead both her and the Court concerning the full extent of the harm
3 that she has suffered as a result of their bad faith breach of contract and the wrongful
4 termination of her membership in AAPS. AAPS is merely attempting, through fraud,
5 to mislead her into failing to recognize that they had taken away her board
6 certification, and hence, her status as a Dermatology specialist. Consistent with their
7 past deceptive practices, they will continue in this vein until the statutes of limitations
8 for all possible legal actions to set aside her improperly conducted termination have
9 passed, and then enforce the Bylaws against her.

10 101. As a direct consequence of AAPS' willful and intentional
11 misrepresentations to the effect that Patricia Stewart's board certification was not
12 affected by their wrongful disciplinary actions against her, until recently Dr. Stewart
13 has continued to hold herself out to be a board certified Dermatologist. Now that she
14 realizes that she has not been board certified for the past two and one half years, she
15 also realizes that for the past two years she has inappropriately billed insurance
16 carriers and medical groups as a board certified specialist. In reality, she is not a
17 Dermatologist, but is rather a general practitioner whose practice emphasizes the
18 treatment and care of Dermatologic conditions.

19 102. It is also clear that Patricia Stewart cannot simply be reinstated back into
20 AAPS to correct the harm that has been caused to her. The individuals who had
21 contributed to the wrongful termination of Patricia Stewart have been rewarded for
22 their loyalty to Mr. Carbone and are deeply entrenched into the leadership of AAPS.
23 AAPS and Mr. Carbone, Cerrato, Montes and others have already demonstrated that
24 they will simply fabricate evidence—including altering the minutes of meetings—to
25 create evidence to use against her. Furthermore, AAPS' leaders, as well as their
26 attorneys have already told both her and her attorney that if the Court reinstates her,
27 they will simply reinstitute new disciplinary proceedings, terminate her again, and
28 this time at least follow the form of the rules.

1 103. Furthermore, the entire membership has been told that she has been
2 trying to destroy the organization and to ruin their livelihoods. She cannot rejoin an
3 organization whose members view her as a threat to their careers. Patricia Stewart
4 will not be able to continue as a board certified Dermatologist through AAPS. At age
5 55, she is too old to go back to an ABMS or AOA certified residency program.
6 Consequently, there is no going back and redoing her training. Patricia Stewart's
7 career as a board certified Dermatologist is over.

8 104. Though Patricia Stewart has generally earned between \$300,000 to
9 \$400,000 per year as a board certified Dermatologist, which is an amount that has
10 been consistent with what most credible organizations who evaluate physician
11 income by specialty attribute to be the average income of a Dermatologist in
12 California, now that it has been revealed that she is not a board certified physician,
13 she can now reasonably be expected to earn on the order of \$150,000 per year--
14 roughly half of the income that she has traditionally earned. Because Patricia
15 Stewart's training was conducted through an AAPS approved residency, and is not
16 recognized by either the ABMS or the AOA, she is not eligible to be certified by
17 anyone else. Consequently she is now discretely withdrawing from all provider
18 contracts that require that she be a board certified or board eligible Dermatologist,
19 including, but not limited to her HMO contracts, as will be described further below.

20 105. A large scale survey of 24,216 physicians conducted by Medscape in
21 2012 revealed that Dermatologists earned, on the average, \$283,000/year. The same
22 large scale survey revealed that board certified physicians earned, on the average
23 \$236,000/year, while income of physicians without board certification averaged
24 \$125,000/year. **(EXHIBIT GG, pp. 321-325 at p. 321 and 322)**. Based upon the
25 fact that she has to withdraw from all of her provider contracts that require board
26 certification or board eligibility, it is reasonable to expect that her experience will be
27 similar to what has been demonstrated in the large scale studies. Thus, it is
28 reasonable and not speculative to believe that, as a result of losing her board

1 certification, Patricia Stewart will incur a reduction of income of at least \$158,000
2 per year.

3 106. Being age 55, and in good health, Patricia Stewart intends to practice for
4 at least another 15 years. Therefore, it is entirely reasonable to expect that her future
5 lost profits resulting from AAPS' intentional misrepresentations and breach of
6 contract will be at least 15 years x \$158,000/year or \$2,370,000.

7
8 **FIRST CAUSE OF ACTION- INTENTIONAL BREACH OF**
9 **CONTRACT**

10 107. Plaintiff incorporates by reference all of the factual assertions made in
11 paragraphs 1-106, above, as if fully stated herein.

12 108. Pursuant to established Florida case law, the 15th Revision of the AAPS
13 Bylaws, enacted June 25, 2011, which were in effect until they were revised on June
14 25th, 2012, constituted an enforceable contract between AAPS and the Plaintiff.

15 109. Pursuant to AAPS Bylaw § 3.05 before Defendant AAPS could
16 terminate Patricia Stewart's membership in AAPS they were required to provide her
17 30 days prior written notice, and provide her an opportunity to appear before the
18 Board of Directors to present evidence that she should be permitted to remain a
19 member of the association.

20 110. As is stated in paragraphs above, AAPS did not carry out either of the
21 required terms of the enforceable contract between themselves and Patricia Stewart.
22 They have materially breached the agreement. The termination of Patricia Stewart's
23 membership was not only done in a manner that violated the Bylaws, it also was done
24 in a manner that was neither fair, nor conducted in good faith.

25 111. As a direct, and foreseeable consequence of the wrongful and the
26 unlawful termination of Patricia Stewart's membership in AAPS, she has also been
27 wrongfully deprived of her status as a board certified Dermatologist, and is now
28 merely a general practitioner whose practice emphasizes Dermatology. According to
large scale studies, the deprivation of her board certification will foreseeably result in

1 a loss of \$2,370,000 in future earnings over the expected 15 years that she will
2 continue to work.

3 112. However, it is clear that AAPS has been completely taken over by a
4 group of individuals who have consistently demonstrated that they are committed to
5 terminating Patricia Stewart's membership in the organization, as well as to continue
6 to harm her reputation, if provided the opportunity to do so. Therefore it is not in the
7 best interests of the Plaintiff to seek reinstatement of her membership in AAPS since
8 she will be subjected to ongoing efforts to harm her in retaliation for her past
9 opposition of Mr. Carbone's agenda.

10 113. Consequently, Plaintiff seeks a judgment from this Court, finding and
11 declaring as follows:

12 a. AAPS' Board of Directors failed to carry out their contractual
13 obligations owed to Patricia Stewart and all members of AAPS, as specified in
14 the AAPS Bylaws 15th Revision § 3.05, and acted outside the scope of their actual
15 authority when they voted to terminate Plaintiff's membership in the association,
16 and they have terminated her membership via a procedure that was neither fair,
17 nor conducted in good faith.

18 b. Plaintiff has been harmed and will continue to be harmed as a result of
19 having been wrongfully terminated from her membership in AAPS. The harm
20 that she has suffered includes, but is not limited to the loss of her board
21 certification in Dermatology, which occurred on May 30, 2012.

22 c. It would be futile for Plaintiff to seek reinstatement of her membership
23 in AAPS or the restoration of her board-certification, as AAPS' entrenched
24 leadership has demonstrated that they are committed to terminating her
25 membership and the destruction of her professional reputation.

26 d. Plaintiff is entitled to recover damages, including the return of
27 certification any payments that she has made to AAPS since her board
28 certification was revoked as well as any special assessments she has been

1 required to pay. In addition, Plaintiff is entitled to recover all reasonably
2 foreseeable lost future profits that she is likely to incur as a result of the loss of
3 her board Certification, the best measure of which will be the difference between
4 her historical earnings as a board certified Dermatologist over the period prior to
5 the loss of her board certification, and the average salary of a general practitioner
6 in the state of California times the number of years that she could have
7 reasonably expected to have continued to practice Dermatology (15 years) if her
8 membership in AAPS and her board certification had not been taken from her in a
9 manner that violated the terms of the contract between AAPS and Plaintiff.

10 11 **SECOND CAUSE OF ACTION**

12 **Sex Discrimination, and Retaliation in Violation of 42 U.S.C. § 2000et seq. (Title** 13 **VII)- against AAPS**

14 114. The allegations of paragraphs 1-113 of this Complaint are hereby
15 repeated as if fully set forth herein.

16 115. “It shall be an unlawful employment practice for an employment agency
17 to fail or refuse to refer for employment, or otherwise to discriminate against, any
18 individual because of his race, color, religion, sex, or national origin, or to classify or
19 refer for employment any individual on the basis of his race, color, religion, sex, or
20 national origin.” (42 U.S.C. § 2000e-2(b).)

21 116. AAPS is an employment agency under 42 U.S.C. § 2000e(c). Through
22 its American Board of Physician Specialists (“ABPS”) Division, AAPS regularly
23 undertakes, with or without compensation, to procure for its members opportunities
24 to work for an employer. ABPS allows medical recruiters across the country to
25 submit job openings to ABPS in order recruit certified specialist physicians. The job
26 openings are posted in ABPS’s “Career Center,” and distributed digitally through
27 ABPS’s “Career Bulletin,” a recent copy of which has been attached as **EXHIBIT**
28 **HH**, pp. 326 – 333, showing that several jobs are available for Dermatologists

1 similarly situated to Patricia Stewart through the career center.

2 117. AAPS is also an employment agency within the definition at 42 U.S.C. §
3 2000e(c) because AAPS procures physicians who have recently finished medical or
4 osteopathic school to participate in residency programs in which they work for
5 supervising physicians in order to meet the requirements to sit for examinations
6 which are a prerequisite to ABPS board certification.

7 118. AAPS/ABPS and its agents are labor organizations within the meaning
8 of 42 U.S.C. § 2000e(d) since AAPS/ABPS is an organization engaged in an industry
9 affecting commerce, and is an association, group, plan or “any organization” that
10 exists for the purpose, in whole or in part, of dealing with prospective employers
11 concerning grievances, labor disputes, wages, rates of pay, hours, or terms or
12 conditions of employment. In particular, AAPS/ABPS maintains an online database
13 which makes material representations to millions of healthcare networks that depend
14 on the information provided by AAPS/ABPS’ as a condition to determining
15 eligibility for hospital rights, insurance company reimbursement eligibility, and in
16 general AAPS negotiates with healthcare businesses to negotiate compensation rates
17 on behalf of its members. AAPS negotiates wages, rates of pay, and hours for
18 residents involved in its training program. AAPS training supervisors in its residency
19 programs controls the conditions of its residents’ employment and supervise/control
20 its resident employees, and even after residency is completed, AAPS continues to
21 exercise control over its Diplomate members, to a greater degree than the other
22 national, more well-recognized Board Certifying organizations which provide a
23 greater degree of autonomy to their members. This is especially true in light of the
24 corruption within the AAPS and the organization’s patterns and practices of
25 discriminating against protected classes in violation of Title VII, and the culture of
26 fear that Carbone has created in which diplomats like Slominski who have been
27 members for decades are still operating under the supervision and control and having
28 their day-to-day decisions dictated by AAPS/ABPS “higher eschelons,” as she
describes it (see **EXHIBIT W, p. 231**). AAPS is also a conference, a general

1 committee of physicians, with joint and/or system boards for each physician specialty
2 academy. AAPS/ABPS is a joint council with many subordinate groups, such as
3 AASD/BCD, which are governed by AAPS/ABPS.

4 119. AAPS/ABPS is also in a position to “interfere” with the present and
5 future employment prospects of its membership. The Ninth Circuit has recognized in
6 Ass'n of Mexican-Am. Educators v. State of California, 231 F.3d 572, 580 (9th Cir.
7 2000) that a “direct employment relationship is not a prerequisite to Title VII
8 liability,” indicating that even if AAPS/ABPS is not immediately the employer of a
9 physician similarly situated to Patricia Stewart, it can still “be held liable under Title
10 VII for its discriminatory treatment of the plaintiff, notwithstanding the fact that the
11 plaintiff was employed by a third party, if the defendant had interfered with the
12 plaintiff's employment by that third party.”

13 120. Patricia Stewart, a female, is a member of a protected class under 42
14 U.S.C. § 2000*et seq.*

15 121. Patricia Stewart is, and at all relevant times was, a qualified and
16 competent AAPS member who had previously been recognized as Physician of the
17 Year and had served with distinction, receiving the honorary Degree of Fellow, with
18 no prior acts of professional misconduct or discipline prior to her termination in
19 Summer, 2012.

20 122. Patricia Stewart alleges that AAPS's actions in discriminating against
21 her based on her gender, and retaliating against her for opposing unlawful and
22 improper practices, and ultimately terminating Patricia Stewart, were unrelated to
23 Patricia Stewart's professional conduct, qualifications or performance as a member of
24 AAPS. Instead, AAPS's conduct was motivated by a historical practice of disparate
25 treatment of female members, and women in general.

26 123. AAPS's actions occurred under circumstances suggesting a
27 discriminatory motive, treating female members differently from male members.
28 These acts were motivated by Patricia Stewart's gender and her opposition to
discriminatory practices against females, including the intentional flunking of female

1 physicians on certification and recertification examinations, the exclusion of female
2 physicians during meetings and disciplinary proceedings, as well as the removal of
3 female physicians from leadership positions in AAPS, and treatment of women as
4 objects to be sexually exploited.

5 124. AAPS also retaliated against Patricia Stewart for standing up to AAPS's
6 discriminatory treatment of female members. Patricia Stewart opposed the sexual
7 harassment of residents by AAPS trainers. Patricia Stewart's actions ended the
8 discriminatory practice of administering the Dermatology certification examination
9 containing obscure questions plagiarized from blue journals and only giving the
10 answers to members who tolerated their discriminatory practices. Patricia Stewart
11 opposed Carbone's efforts to retroactively flunk a prospective female candidate due
12 to her gender and race. Patricia Stewart opposed the efforts of the higher eschelons
13 of AAPS to retaliate against Drs. Castillo, Geller and Klein for asking questions
14 regarding Newby's allegations that Carbone created a hostile workplace environment,
15 discriminated against her based upon sex and age, and exposed her to pornography at
16 the workplace. Patricia Stewart opposed the efforts by Defendants to make
17 fundamental changes to AAPS' corporate structure which would have enabled them
18 to perpetuate discriminatory customs. Patricia Stewart opposed this by asking an
19 attorney to prepare the *Preliminary Legal Opinion*, and by handing out copies of the
20 *Preliminary Legal Opinion* at the 2011 meeting of the House of Delegates, provoking
21 the discussion that led to withdrawal of proposed amendments to AAPS Bylaw 3.05.

22 125. As a result of opposing discrimination as discussed above, Patricia
23 Stewart suffered all of the adverse employment actions discussed above. Patricia
24 Stewart was named as a defendant in a meritless defamation lawsuit designed to
25 inhibit her and others from participating in discussions concerning the discriminatory
26 practices within the organization. Patricia Stewart was prohibited from occupying
27 leadership roles in the organization which she was duly elected to, and was replaced
28 by Wallace. Her membership in AAPS was terminated and her board certification

1 was revoked. She was excluded from academy meetings. Her friends and colleagues
2 were instructed not to communicate with her, or else they would suffer similar
3 retaliation. Numerous defamatory statements regarding Patricia Stewart were
4 published on a continued, ongoing basis to thousands of member physicians across
5 the nation, which were aimed to destroy her credibility and expose her to ridicule,
6 shame, humiliation, contempt, scorn, hatred, and ostracism within the community.
7 The actions of the Defendants set forth above violated Patricia Stewart's rights under
8 the Title VII of the Civil Rights Act of 1964.

9 126. As a proximate result of the actions of Defendants as alleged above,
10 Patricia Stewart has been damaged by loss of professional stature, the impaired
11 ability to contract and affiliate with healthcare providers, the impaired ability to
12 publish peer-reviewed articles, the stigmatization of peer review sanctions which
13 handicaps her likelihood of being invited or selected to speak at conferences,
14 resulting in public humiliation.

15 127. In particular, the disciplinary proceedings that have resulted in
16 termination of Patricia Stewart's membership in AAPS have caused her to be
17 ineligible to be recognized as a board certified Dermatologist within ABPS pursuant
18 to AAPS Bylaw 3.06, titled "Effect of Termination of Membership," which in
19 relevant part indicates that a member of AAPS "whose membership has been
20 terminated...shall be stricken from the rolls of membership in the Association and in
21 **any and all organizations affiliated with the Association**..." ABPS, which
22 formerly provided Patricia Stewart with professional recognition of her training and
23 education as a Dermatologist through board certification is an organization affiliated
24 with AAPS. Due to the adverse disciplinary action taken against Patricia Stewart, she
25 cannot be recognized as an ABPS Diplomate in a manner consistent with AAPS'
26 Bylaws. The consequences for having this disciplinary action on one's record, and
27 no board certification, significantly impair Plaintiff's ability to continue in her chosen
28 career path as a Dermatologist. Without board certification, Plaintiff experiences an

1 impaired ability to contract and affiliate with healthcare providers directly, and is
2 essentially relegated to the position of being less employable than a resident who has
3 never been a board certified Dermatologist. Although highly skilled and well-trained,
4 Plaintiff cannot make an industrious use of her qualifications or receive compensation
5 from most medical groups and insurance plans in the United States without having a
6 board certified Dermatologist available to supervise her and process her claims.
7 Literally millions of patients across the United States and the world will be unable to
8 cause their insurance companies to provide remuneration to Patricia Stewart for any
9 Dermatology services she provides to said patients, as a result of the fact that Patricia
10 Stewart's board certified status as a Dermatologist has been revoked. Furthermore,
11 even if Patricia Stewart seeks to obtain board certification through another
12 organization, not only will she have to redo her residency, essentially regressing in
13 her career to the position that she was in when fresh out of medical school, she will
14 also have to overcome the presumption that she should be presumptively disqualified
15 from participating in said organization due to her prior history of being disciplined by
16 another board certifying organization—which may not be possible.

17 128. Defendants' conduct was expressly aimed at triggering these serious
18 adverse employment consequences for Plaintiff, and was done with knowledge that
19 loss of her ability to bill insurance companies will foreseeably and unquestionably
20 cost her more than \$158,000/year for the rest of her career. Defendants took this
21 action purposefully and maliciously, not only because of institutional patterns of
22 discriminating against females, but also in retaliation against Patricia Stewart for
23 opposing discrimination within the organization. Defendants' goal was to interfere
24 with Patricia Stewart's future so seriously and flagrantly that any other member of the
25 organization would think twice, thrice, and hundreds of times before daring to raise
26 any opposition to the oppressive culture of fear which Defendants have sought to
27 engender within the AAPS.

28 129. Defendants' conduct towards Patricia Stewart was purposely directed

1 against Patricia Stewart in the State of California and intended to cause harm to
2 Patricia Stewart in the State of California. The facts supporting this are, without
3 limitation, that AAPS knew that Patricia Stewart practiced medicine in the State of
4 California, AAPS held its annual meetings for all its members on more than one
5 recent occasion in the State of California, and that AAPS monetarily benefited from
6 providing services to numerous physicians licensed and practicing in the State of
7 California. Several of the acts which Defendants engaged in occurred during the
8 2012 annual scientific meeting in Marina Del Rey, California, including the occasion
9 during which Defendants made a powerpoint presentation in which they defamed
10 Patricia Stewart before the entire membership and instructed her peers not to
11 communicate with her.

12 **THIRD CAUSE OF ACTION**

13 **California Civil Code §§ 51, 52 - against AAPS**

14
15 130. Plaintiff incorporates by reference the allegations contained in
16 paragraphs 1-129, as if fully stated herein.

17 131. AAPS has violated Patricia Stewart's right to be free from gender
18 discrimination as guaranteed by California Civil Code § 51. Specifically, AAPS
19 procured a location for an organized entity-wide annual meeting in Marina Del Rey,
20 California, during which they denied Patricia Stewart entry and equal access to the
21 meeting on the basis that she is a female. In doing so, AAPS did not treat her in an
22 equal manner to male participants in a similar situation, who were allowed full access
23 to the accommodations of the organized meeting.

24 132. AAPS violated Patricia Stewart's right to be free from gender
25 discrimination as guaranteed by California Civil Code § 51, based on acts occurring
26 in the state of California. Patricia Stewart was treated differently from male members
27 of AAPS who were also contesting disciplinary charges brought against them by
28 AAPS. Male members were allowed entry to the meeting and were allowed to raise

1 objections and concerns in contesting their disciplinary charges. They were also
2 allowed to run for offices of leadership and vote. Patricia Stewart was denied this
3 opportunity on the basis of her sex. Male members were afforded greater due process
4 under AAPS's Bylaws, whereas Patricia Stewart was treated differently from male
5 members and denied her due process rights.

6 133. Based upon AAPS's history of disparate treatment of female members,
7 including denying them certification, leadership positions, and access to
8 organizational meetings, Patricia Stewart's gender was a motivating yet arbitrary
9 factor in AAPS's discriminatory and retaliatory acts. As such, AAPS denied Patricia
10 Stewart of her full and equal rights guaranteed by California Civil Code § 51.

11 134. As a direct and proximate result of the conduct of Defendant, Patricia
12 Stewart has suffered and/or will continue to suffer damage to her professional
13 reputation, financial damage to her medical practice due to a decrease in revenue
14 sources through loss of contracts, loss of employment opportunities and ostracism
15 within her professional community.

16 135. AAPS's violations of Patricia Stewart's rights as guaranteed by
17 California Civil Code § 51 entitles her to receive compensatory damages, attorney's
18 fees, and injunctive relief, all of which are provided for in California Civil Code § 52
19 and are prayed for below.

20 136. In doing the acts alleged herein, AAPS knew or should have known that
21 its actions were likely to injure Patricia Stewart. AAPS intended to cause injury to
22 Patricia Stewart and acted with a willful and conscious disregard of her rights as
23 secured by California Civil Code § 51, thereby entitling Patricia Stewart to recover
24 treble damages, or a minimum of \$4,000, per offense, pursuant to California Civil
25 Code § 52.

26
27 **FOURTH CAUSE OF ACTION**

28 **California Government Code § 12940(h) - against AAPS**

1 137. Plaintiff incorporates by reference the allegations contained in
2 paragraphs 1-136 as if fully stated herein.

3 138. “It is an unlawful employment practice, unless based upon a bona fide
4 occupational qualification, or, except where based upon applicable security
5 regulations established by the United States or the State of California: (h) For any
6 employer, labor organization, employment agency, or person to discharge, expel, or
7 otherwise discriminate against any person because the person has opposed any
8 practices forbidden under this part or because the person has filed a complaint,
9 testified, or assisted in any proceeding under this part.” (Cal. Gov't Code §
10 12940(h).)

11 139. Patricia Stewart alleges that from 1998 until her termination in Summer,
12 2012, she made numerous complaints and inquiries to AAPS’s administrative staff
13 and physician leadership regarding discriminatory and retaliatory practices by AAPS
14 administrative leadership. Specifically, Patricia Stewart objected to the distribution
15 of pornography and racist emails circulated by Carbone, as well as the intentional
16 failing of female physicians, improper exclusion of female physicians from
17 membership, improper exclusion of female physicians from sitting for certification
18 examinations, exclusion of females from meetings, and improper administrative
19 removal of female physicians from leadership positions and replacement with male
20 selections that were not even eligible under the bylaws to serve within those
21 positions.

22 140. Patricia Stewart alleges that as a direct result of being a female and
23 opposing discrimination within AAPS based upon gender, race or religious beliefs,
24 AAPS discriminated against Patricia Stewart by terminating her membership with
25 AAPS.

26 141. As a result of AAPS’s actions, Patricia Stewart has suffered harm, and
27 will continue to suffer harm, in the form of loss of past and future income, damage to
28 her professional reputation, damage to her medical practice, loss of employment

1 opportunities and ostracism.

2 **FIFTH CAUSE OF ACTION**

3 **(Intentional Misrepresentation and False Promise by AAPS and**
4 **William Carbone)**

5 **Count 1 --Misrepresentation that AAPS Board Certification Is Comparable**
6 **to ABMS or AOA Board Certification**

7 142. Plaintiff incorporates by reference all of the factual allegations made in
8 paragraphs 1-141, as if fully stated herein.

9 143. At the time that Patricia Stewart was first approached and recruited by
10 AAPS and its agents, she was enrolled in, and in good standing in, an ABMS
11 accredited residency program. In addition, Patricia Stewart had been offered
12 admission to several ABMS approved Dermatology residency training programs prior
13 to the time she chose to enroll in an AAPS affiliated Dermatology residency training
14 program.

15 144. AAPS and its agents represented to her that AAPS was a nationally
16 recognized board of certification, that it offered superior training when compared to
17 ABMS and AOA approved programs, which were the other two nationally
18 recognized boards of certification for physicians, and that AAPS operated according
19 to higher ethical standards than the ABMS or the AOA.

20 145. These three representations were materially false. First, Patricia Stewart
21 was exposed to sexual harassment at her AAPS affiliated residency training program
22 and AAPS did absolutely nothing to oppose or stop it. Unlike ABMS and AOA
23 board certification, which are universally recognized and accepted in all 50 states and
24 worldwide, acceptance of AAPS board certification is limited. Only a handful of
25 states formally recognize AAPS related board certification and several states
26 specifically forbid AAPS Diplomates from advertising that they are board certified
27 specialists.

28 146. Patricia Stewart relied to her detriment upon AAPS' agents'
representations that its certification was universally recognized when she gave up her

1 position in an ABMS accredited residency training program, and her numerous
2 options to train in AOA and ABMS approved Dermatology Residency Training
3 Programs chose to train in their AAPS affiliated Dermatology residency training
4 program over her other options.

5 147. The detriment that she has experienced as a result of relying upon
6 AAPS' false representations that their board certification is universally recognized on
7 a par with other major boards includes: First, her board certification was not
8 recognized by Cottage Hospital, and she was unable to obtain hospital privileges in
9 the community where she practices. Second, she was not permitted under the laws of
10 the state of California to advertise that she is a board certified Dermatologist, since
11 California only permits physicians certified by the ABMS and AOA to advertise that
12 they are board certified. Third, she had been ostracized from local Dermatology
13 associations because they do not recognize her AAPS board certification. Fourth, she
14 was denied access to being a member of the specialist panels by certain medical
15 insurance companies—including Multiplan, a major insurance network that covers
16 more than 50 million patients nationwide.

17 148. Had AAPS and its agents not intentionally made the false representation
18 that AAPS board certification was universally accepted on par with board
19 certification from the ABMS and AOA, which they did in order to induce her to give
20 up her other options and join their program. Patricia Stewart would not have left her
21 ABMS accredited residency program or chosen an AAPS affiliated Dermatology
22 residency over the ABMS and/or AOA approved residency programs that she could
23 have attended. She would not have been subjected to the harms that she has suffered
24 as a result of relying upon the materially false representations that were made to her
25 by AAPS and its agents.

26
27 Count 2- Intentional Misrepresentation That AAPS Is An Ethical Organization
28 That Holds Its Staff And Members to Abide By Its Expoused Code of Ethics

149. Plaintiff incorporates by reference all of the factual allegations made in

1 paragraphs 1-148, as if fully stated herein.

2 150. In order to induce Patricia Stewart to give up her position in an ABMS
3 accredited residency program, and her various other options to be trained in an AOA
4 and ABMS approved residency program, AAPS, through its agents represented to
5 her that AAPS held itself to higher standards of ethics than AOA or ABMS. This
6 representation is and was materially false and was calculated to mislead her into
7 choosing to be trained in an AAPS affiliated residency program over her other
8 options.

9 151. In reality, AAPS does not hold either itself, or its members to abide by
10 its exposed Code of Ethics or any ethics at all, for that matter. This is evident from
11 the fact that her AAPS affiliated residency trainers were permitted to sexually harass
12 her without experiencing any consequences, that Dr. Spindler was criminally
13 prosecuted for unethical conduct and it was covered up; and Mr. Carbone was
14 permitted to circulate materials at AAPS headquarters including a video of group sex;
15 a woman urinating in public with a dog; naked photos of girls that at least appeared
16 to be under the age of 18; a photo of a nude female patient in a hospital bed being
17 characterized as an object of sexual interest; materials disparaging all kinds of people,
18 including injured persons and hospitalized patients ; and materials advocating sexual
19 exploitation of children—all without any consequences whatsoever. AAPS leaders
20 and representatives did not even ask Mr. Carbone if he did what he was accused of
21 doing. Later, when he admitted doing such things under oath, there were still
22 absolutely no consequences for him—not even a public reprimand .

23 152. Instead, AAPS suspended and/or terminated every member who spoke
24 up and attempted to insure that the organization abides by its espoused Code of
25 Ethics. This occurred despite the fact that the Code is boldly published on its web
26 site; and despite the fact that AAPS has repeatedly claimed in a variety of verbal and
27 published communications that the organization is founded upon, abides by, and
28 requires it members to abide by its published Code of Ethics.

1 153. Patricia Stewart has incurred great and irreparable harm as a result of
2 relying upon AAPS' and its agents' representations that the organization is
3 committed to operating in accordance with the "highest ethical standards." She has
4 been terminated from AAPS and has lost her board certification and her status of
5 being a Dermatologist. She cannot become board certified by another organization
6 without starting her residency training all over in an ABMS approved program. She
7 gave up her position in her ABMS accredited residency program and withdrew from
8 numerous AOA and ABMS Dermatology residency training programs who had
9 expressed a willingness to accept her because she believe and relied upon AAPS'
10 representations that they were the most ethical of the board certifying organization.
11 She sought to uphold AAPS' espoused ethical standards and was severely retaliated
12 against by Mr. Carbone and AAPS's executive leadership for the simple act of
13 encouraging members of AAPS to require the leadership to abide by the
14 organization's published Code of Ethics.

15 154. By attempting to uphold the organizations Code of Ethics, she made
16 herself a target of the covert scheme of AAPS's executive leaders to create the false
17 impression that they are an ethical organization by suspending, terminating, and
18 defaming anyone who calls attention to their serious ethical deficiencies, and/or tries
19 to advocate the taking of steps to correct their serious ethical failings.

20 155. Had Patricia Stewart known that AAPS' agents were intentionally
21 misrepresenting to her that the organization operated in accordance with "the highest
22 ethical standards, in order to recruit her to join their organization, when they knew
23 that AAPS actually does not even attempt to abide by those standards, she would not
24 have given up her position in an ABMS accredited residency program, or her other
25 options and sought AAPS affiliated training and board certification. Furthermore, she
26 would also not have jeopardized and greatly harmed her career by trying to promote
27 the practice of those published ethical standards within the organization.
28

1 Count 3—False Promise (Against William Carbone)

2 156. Plaintiff incorporates by reference all of the factual allegations made in
3 paragraphs 1-155, as if fully stated herein.

4 157. On October 19, 2010 Mr. Carbone sent Patricia Stewart an email in
5 which he promised her that if she diligently carried out her duties as an officer of the
6 Academy of Dermatology, that she would not be exposing herself to retaliation or
7 abuse by the leadership of AAPS.

8 158. Patricia Stewart, who at the time was wary of participation in AAPS
9 leadership because of her previous adverse experience of having disciplinary charges
10 levied upon her for serving the organization so competently and in such good faith
11 that she had received the “2003 Physician of the Year” award. Despite serving so
12 well that she had received the award, that same year she had been compelled to
13 appear before the Board of Directors and face disciplinary charges, despite the fact
14 that she had done nothing to deserve to be disciplined.

15 159. At the time, Mr. Carbone knew from his recent experience in the
16 preceding several weeks, that he was in complete control of the Board of Directors
17 and that he could persuade the Board to discipline anyone that he wanted them to
18 discipline. He also knew that a scandal was taking place within the organization
19 regarding his own unethical conduct, which had resulted in the Board suspending
20 without a hearing the three physicians who had dared to call for an investigation of
21 his controversial and obviously unethical conduct.

22 160. Believing that he had an opportunity to purge the organization of
23 individuals such as Patricia Stewart, who had previously displayed disapproval of his
24 unethical conduct, Mr. Carbone wanted Patricia Stewart, who had withdrawn from
25 serving in leadership roles for the preceding seven years, to get back into leadership
26 so that he could exploit his newly gained power and finally get even for her
27 opposition to his policies of advocating sexual exploitation of female residents and of
28 discriminating against certification candidates based upon gender and race.

1 Consequently, he falsely represented to Patricia Stewart that she could feel free to
2 participate in a leadership role within AAPS by promising that he had changed his
3 historical practice of retaliating against persons who opposed him, and that what had
4 happened to Patricia Stewart previously would never happen again.

5 161. Patricia Stewart believed his false promises and relied upon them. As a
6 result of her reliance upon Mr. Carbone's false promises, Patricia Stewart served
7 diligently and faithfully in her capacity as Governor of the Academy of Dermatology
8 of AAPS. When violations of the ethical standards that AAPS and its agents claimed
9 that the organization operated under, Patricia Stewart stood up for the rights of
10 leaders within the organization who were seeking to uphold AAPS' ethical standards,
11 As a direct consequence of standing up for the principles that AAPS claimed it was
12 committed to, Patricia Stewart's membership in AAPS was terminated; her board
13 certification was stripped from her by the Board of Directors of AAPS; she was
14 defamed and publically humiliated; and she was subjected to a frivolous retaliatory
15 lawsuit.

16 162. Had Mr. Carbone not made the false promise to Patricia Stewart that she
17 would not be retaliated against for serving diligently as an officer of AAPS, she
18 would not have continued in the role of Governor of AAPS, and would not have
19 taken a stand against the unethical behavior that she had learned was occurring
20 within the organization. Consequently, she would not have been subjected to
21 discipline for opposing ethical violations within the organization. She would not
22 have lost her board certification, and would not have had to defend herself against a
23 frivolous lawsuit.

24
25 Count 4—Intentional False Promise That AAPS Would Provide Patricia
26 Stewart An Appeal Hearing Before A Panel of Past Presidents and (against
Robert Cerrato and AAPS)

27 163. Plaintiff incorporates by reference all of the factual allegations made in
28 paragraphs 1-162, as if fully stated herein.

1 164. On July 27, 2012 Robert Cerrato sent the Plaintiff a letter informing her
2 that her request for an appeal of the decision of the Board of Directors had been
3 granted. She was told that a date for the hearing would be set once they were able to
4 arrange to convene the past presidents together to conduct the hearing. Patricia
5 Stewart was required to exhaust her administrative remedies before she could file a
6 lawsuit against AAPS.

7 165. Patricia Stewart relied upon Mr. Cerrato's promise of an appeal hearing
8 and did not file an immediate lawsuit for wrongful termination.

9 166. Since, as a practical matter it is a difficult task to assemble physicians
10 from around the country, and since all disciplinary hearings have always been
11 conducted at the annual meetings of AAPS over the past 14 years that she has been
12 affiliated with AAPS, Patricia Stewart waited until the next annual meeting had
13 occurred, and she was not permitted to appear before the assembly of past presidents
14 as promised, before she concluded that she had been deceived and filed her lawsuit.

15 167. AAPS should be estopped from asserting the statute of limitations for the
16 filing of a claim for wrongful termination because any delay in filing beyond the 1
17 year deadline was a direct result of the fraudulent representations of its president.

18
19 Count 5--Misrepresentation That Her Board Certification Was Not Affected
20 By the Termination of Her Membership.

21 168. Plaintiff incorporates by reference all of the factual allegations made in
22 paragraphs 1-167, as if fully stated herein.

23 169. AAPS has willfully and intentionally misrepresented to the Plaintiff that
24 their decision to terminate her membership in AAPS would have no effect upon her
25 status as a board certified Dermatologist.

26 170. In reality, AAPS and its leaders knew that their decision to terminate her
27 membership in AAPS would also end her board certification through their affiliated
28 organizations ABPS and BCD, and concealed their knowledge and this fact by
redacting the section of the Bylaws that addressed the issue in their communications

1 with her. They have continued their pattern of false representations concerning the
2 effect of their unwarranted, hostile, and discriminatory actions committed against her
3 in violation of the terms of their written agreements with her.

4 171. The Plaintiff relied upon the intentional misrepresentations of the
5 Defendants and, as a result of her justifiable reliance, she has been further harmed by
6 their willfully false and misleading conduct.

7 172. Plaintiff seeks any additional damages and injunctive relief available to
8 help to offset the additional harm that she has incurred as a result of her justifiable
9 reliance upon the Defendant's willful misrepresentations that her board certification
10 would not be affected by the termination of her membership in AAPS.

11 **SIXTH CAUSE OF ACTION**

12 **(Defamation by All Defendants)**

13 173. Plaintiff incorporates by reference all of the factual allegations made in
14 paragraphs 1-172, as if fully stated herein.

15 174. As discussed above, another aspect of the operation of the civil
16 conspiracy to retaliate against Plaintiff for opposing discrimination and other
17 unlawful conduct within the organization has been to attempt to systematically
18 destroy Plaintiff's reputation within the Dermatology community and within the
19 entire organization. This has been accomplished, inter alia, by releasing mass emails
20 which originate in Florida, but are circulated nationwide via the Informz system
21 which allows Defendants William Carbone, Anthony Robert Cerrato, Stephen
22 Montes, and their designees to send out emails to every one of AAPS' 2,500+
23 members. AAPS and its officers have routinely use this tool to defame Plaintiff,
24 since as early as March 28, 2012, at which time the members were falsely informed
25 that Plaintiff has "played an active role" in a "campaign to destroy AAPS." These
26 statements were known by their publishers to be false, and are published for the
27 malicious purpose of harming the Plaintiff's reputation, in order to discredit her and
28

1 the effect of her opposition to their unethical practices that are harming individuals
2 and the entire organization. They originated in Florida and were sent nationwide.

3 175. On May 30, 2012 the Defamatory Letter was authored in Florida and
4 shown to the Board of Directors of AAPS and the Disciplinary Committee, via wire
5 and fax, at which time her membership in AAPS was terminated, so that she was
6 disconnected from the Informz system. Consequently, Plaintiff has been unable to
7 receive copies of the defamatory publications that are being broadcast from Florida
8 nationwide on an ongoing basis to thousands of physicians across the nation.

9 176. These emails are maliciously premeditated to subject Plaintiff to scorn,
10 hatred, hostility, embarrassment and ostracism, and have achieved their intended
11 result, as is evidenced by the attitudes that are displayed towards Plaintiff by her
12 colleagues, who were formerly friendly and welcoming towards her.

13 177. After the meeting of the Board of Directors of AAPS that took place in
14 Marina Del Rey, California on June 25, 2012, which has been described above, 99%
15 of the members of Plaintiff's academy would not speak to her, because of the false
16 representations that were made to them behind closed doors, in connection with the
17 presentation. Upon information and belief, the false representations are being
18 published and re-published on an ongoing basis, and new misrepresentations are
19 being generated on a periodic basis by the parties to the conspiracy that includes,
20 without limitation, all of the named defendants in this lawsuit as well as the DOES.

21 178. The numerous statements contained in **EXHIBIT V** to this Complaint
22 constitute defamation *per se*. For this claim, in addition to requesting damages
23 according to proof, Plaintiff will seek leave to amend her complaint after completing
24 discovery and ascertaining the particular falsehoods that have been published
25 concerning her through the Informz system to the membership of AAPS, and through
26 other channels.

27 **SEVENTH CAUSE OF ACTION**
28

**(Intentional Interference with Prospective Economic Advantage by all
Defendants)**

179. Plaintiff incorporates by reference all of the factual allegations made in paragraphs 1-178, as if fully stated herein.

180. Plaintiff, by virtue of her membership in AAPS and possessing her board certification with ABPS, was entitled to participate in various networks which granted her access to serve as a provider to millions of patients across the nation—including the local HMO contracting medical group Physician's Choice, Inc., which was formerly named Midcoast Care, Inc. As a result of the disciplinary actions taken by Defendants, Plaintiff is no longer a member in good standing in AAPS, or eligible to be board certified by any of its affiliated organizations—including ABPS. As a consequence of no longer being board certified, Patricia Stewart is no longer eligible to serve as a contracted capitated Dermatologist with medical groups that require its specialist physicians to be board certified—including Physician's Choice and Santa Barbara Select IPA, both large local IPAs, with whom Patricia Stewart has previously enjoyed exclusive contracts, having been for many years the sole provider of Dermatology services for over 15,000 HMO Santa Barbara County patients residing in both Northern and South Santa Barbara County through her offices located in Santa Barbara and Santa Maria.

181. As a direct result of no longer being a board certified Dermatologist, and no longer eligible to serve as the capitated panel Dermatologist, Patricia Stewart has had to forgo acceptance of an offer to provide capitated Dermatology services to Physician's Choice for both Santa Barbara and San Luis Obispo Counties, which would have paid her a contract based monthly fee of \$15,000/month. As a consequence of this, Patricia Stewart lost a capitated revenue source that would have provided her the annual amount of \$180,000 in 2013, and she will continue to lose a similar amount each year for the next 15 years that she would have been able to serve as the capitated Dermatologist for Physician's Choice.

182. AAPS knew that Patricia Stewart was serving as a capitated specialist

1 for Physician's Choice because Physician's Choice, acting under its former name of
2 Midcoast Care, Inc., which it operated under before it merged with San Luis Obispo
3 Select IPA and took over operation of its northern neighbor, made an inquiry
4 concerning Patricia Stewart's board certification status through AAPS and AAPS
5 faxed verification of her board certification in Dermatology to Midcoast Care, Inc.
6 on 7/10/08.

7 183. Plaintiff had a reasonable expectation that she would continue to obtain
8 and maintain the Physician's Choice contract if she had been able to maintain her
9 board certification because the longstanding President of Physician's Choice is her
10 brother in law. However, even her family relations could not help her to maintain
11 that contract because the HMO insurance plans require the local HMO to contract
12 with board certified specialists to provide specialty services to their patients.

13 184. In addition to the loss of her Physician's Choice contract, because she is
14 no longer board certified and eligible to serve on their specialty panel, Patricia
15 Stewart has been forced to submit her resignation to Santa Barbara Select IPA. She
16 has previously served as the sole contracted provider of Dermatology services to this
17 company for the more than the past 15 years having received capitated payments
18 monthly in amounts ranging from \$7,000 to \$14,000, or approximately \$126,000 per
19 year. Defendants have either known about, or had reason to know about the fact
20 that she would have to give up her Santa Barbara Select IPA HMO contract if she lost
21 her board certification because her attorneys have been telling AAPS' attorneys about
22 the harm that she is experiencing from their adverse actions since they initiated their
23 retaliatory actions against her. However, AAPS has refused to acknowledge that they
24 have been harming her business, because they insist that she is still board certified by
25 them—even though their Bylaws clearly reveal that they do not have the authority to
26 extend board certification to her after they terminated her membership in AAPS as
27 their Bylaws clearly state that they are required to strike her name from the rolls of
28 AAPS and all of its affiliated organizations, including the BCD.

1 185. But for Defendants' unlawful discriminatory and retaliatory conduct,
2 described above, Plaintiff would have continued to be able to provide capitated
3 Dermatology services to both the Santa Barbara Select IPA and Physicians Choice
4 IPA and to reap the benefits of being the exclusive capitated Dermatology provider
5 for a significant majority of the HMO patients residing in both Santa Barbara and San
6 Luis Obispo Counties.

7 186. Defendants intentionally interfered with Plaintiff's access to these
8 networks, and they did so maliciously, in order to oppress Plaintiff. The actions they
9 took were fraudulent and involved falsifying documents and making
10 misrepresentations to individuals vested with the authority to terminate her
11 membership in AAPS and thereby revoke her board certification and interfere with
12 Plaintiff's existing relationship with these and other medical groups.

13 187. As a result of the interference caused by Defendants, Plaintiff will lose at
14 least \$158,000 per year for the rest of her career, which is likely to be approximately
15 15 more years, so Plaintiff therefore demands damages according to proof, but in no
16 event less than \$2,370,000.

17
18 **EIGHTH CAUSE OF ACTION**

19 **(Unfair Business Practices in Violation of Cal. Bus. Prof. Code § 17200 et**
20 **seq. by all defendants)**

21 188. Plaintiff incorporates by reference all of the factual allegations made in
22 paragraphs 1-187, as if fully stated herein.

23 189. Plaintiff brings this cause of action on behalf of herself against
24 Defendant AAPS for its unfair, fraudulent and/or deceptive business acts and/or
25 practices pursuant to California Business and Professions Code Sections 17200 et
26 seq. ("UCL"), which prohibits all unfair and/or fraudulent business acts and/or
27 practices.

28 190. Plaintiff asserts these claims as she is a representative of an aggrieved
group and on behalf of all similarly situated prospective members and members of

1 AAPS and other who AAPS should no longer be permitted to harm through its
2 ongoing patterns and practices of discrimination and other unfair, fraudulent or
3 unlawful conduct.

4 191. The business practices and acts described hereinabove which have
5 resulted in violations of 42 U.S.C. § 2000 et seq., California Government Code §
6 12940(h), California Civil Code §§ 51, 52, Breach of Contract, common law
7 proscriptions against defamation, libel and intentional misrepresentation, violation of
8 Cal. Corp. Code § 5341 and Fla. Stat. § 617.0607 each constitute “unlawful” acts
9 which fall within the meaning of unfair competition in violation of California’s UCL
10 law.

11 192. The process followed by AAPS in terminating the association
12 memberships of Dr. Patricia Stewart, in a manner inconsistent with Cal. Corp. Code §
13 5341 or Fla. Stat. § 617.0607 is unlawful and constitutes violations of California’s
14 UCL. It is also an unfair business practice in several respects. The Plaintiff’s
15 expulsion was also fraudulent to the extent that paper trails were falsified to create the
16 false impression that the Plaintiff was conducting herself in a manner that was
17 potentially disruptive and disrespectful of AAPS leadership and that presented a
18 possible risk of harm to the livelihoods of AAPS members, when she had not.

19 193. The business practice by Defendants AAPS, Cerrato and Carbone of
20 inducing Plaintiff’s colleagues to libel her by threatening to destroy their
21 Dermatology academy by defunding their fellowship training program if they do not
22 cooperate with a scheme to libel their peers is unfair and fraudulent activity that
23 violates California’s UCL.

24 194. The business practice/act of manipulating the examination process and
25 the test results of AAPS’ board certifying examination in Dermatology so as to
26 discriminate against female applicants such as Drs. Patricia Stewart, the unnamed
27 affected applicant who took the 2003 certification examination, is unfair, fraudulent
28 and also unlawful in violation of 42 U.S.C. § 2000 et seq., California Government

1 Code § 12940(h) and California Civil Code §§ 51, 52, thus constituting violations of
2 California's UCL. This includes, without limitation, AAPS' historical practices of
3 imposing disparate eligibility requirements upon those female applicants who are
4 attempting to sit for the exam, providing copies of test answers in advance to male
5 applicants and/or female applicants who receive quid pro quo assistance accepting
6 the terms and conditions of their hostile workplace environments, and Bill Carbone's
7 practice of retroactively discriminatorily flunking female minority applicants such as
8 the unnamed candidate in 2003, or imposing disparate certification requirements
9 upon individuals such as Plaintiff and the unnamed candidate in 2003 in order to
10 prevent them from sitting for or passing the certification exam and interfere with their
11 employment prospects or ability to practice their trade or profession.

12 195. In particular, AAPS' practices of recruiting potential candidates for its
13 membership and certifications through the making of materially false representations
14 that their certification is widely recognized, and/or comparable to AOA or ABMS
15 certification and that they are an ethical organization that abides by its espoused code
16 of ethics has not only harmed the Plaintiff, and other physicians who were deceived
17 by their false statements, but threatens to continue to result in material harm to other
18 prospective medical students, residents, and candidates for board certification
19 nationwide.

20 196. In order to help to prevent such individuals from experiencing the kinds
21 of harm that she has suffered as a result of the Defendant's misrepresentations,
22 Plaintiff seeks an injunction forbidding AAPS, ABPS, and its board of certification
23 from advertising or representing that they are an ethical organization, or that their
24 members or administrative staff are required to, or can be expected or relied upon to,
25 operate under any ethical code or standards of professional behavior for a period of
26 up to 5 years.

27 197. Plaintiff also seeks an injunction requiring AAPS and its Board of
28 Directors to notify, via the Informaz system, all members of AAPS, and to provide a

1 copy to Patricia Stewart, as well, that the Court has determined that Patricia Stewart
2 has not engaged in conduct deleterious to AAPS, or incompatible with its purposes,
3 and that she did not author, publish, or repeat any of the statements that were
4 attributed to her at the annual meeting of the Board of Directors in Marina del Rey,
5 California, and that the reason that she did not defend herself against those false and
6 defamatory accusations was because the Board of Directors had placed guards at the
7 door of the meeting who had been instructed to prevent her from entering the room
8 where the meeting was taking place.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

198. For preliminary and permanent injunctions against Defendant for the relief requested in the Eighth Cause of Action;

199. For general and compensatory damages against Defendant in an amount to be proven at trial;

200. For punitive damages against Defendant in an amount to be proved at trial.


201. For the costs of this action, attorney's fees, and such other relief as the Court deems fair and appropriate under the circumstances.

202. For any other relief the Court deems appropriate.

DATED: July 21, 2014

Respectfully submitted,

LAW OFFICES OF WILLIAM OKERBLOM

By: 

William Okerblom
Attorney for Plaintiff
PATRICIA STEWART, D.O.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury of all issues so triable.

DATED: July 21, 2014

Respectfully submitted,

LAW OFFICES OF WILLIAM OKERBLOM

By: 

William Okerblom
Attorney for Plaintiff
PATRICIA STEWART, D.O.